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CIRCULAR

FROM THE

GENERAL LAND OFFICE,

SHOWING

THE MANNER OF PROCEEDING

TO

OBTAIN TITLE TO PUBLIC LANDS UNDER THE PRE-EMPTION,
HOMESTEAD, AND OTHER LAWS.

ISSUED MARCH 1, 1884.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
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IN REFERENCE TO THE MANNER OF ACQUIRING TITLE TO THE PUBLIC LANDS.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
WASHINGTON, D. C., *March 1, 1884.*

The public lands of the United States are included within the States of Alabama, Arkansas, California, Colorado, Florida, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, Ohio, Oregon, Wisconsin, and the Territories of Arizona, Dakota, Idaho, Montana, New Mexico, Utah, Washington, and Wyoming. In Ohio, Indiana, and Illinois a very few isolated tracts of public land remain.

These States and Territories—with the exception of the three last mentioned—are divided into land districts, in each of which there is a land office established by law, with a Register and a Receiver in attendance for the sale or other disposal of the public lands within that district. (For duties of Register and Receiver, see sections 2234 to 2247 of the Revised Statutes of the United States, copy to be found in Appendix annexed, No. 1.)

Any proper information regarding vacant public lands may be obtained by application at any of these land offices.

ACQUISITION OF TITLE.

Title to public lands may be acquired by purchase at public sale, or by ordinary private entry, and by virtue of the pre-emption, homestead, timber-culture, and other laws.

PURCHASE AT PUBLIC SALE.

Lands may be purchased at public auction by the highest bidder when offered pursuant to proclamation of the President, or under public notice in accordance with directions from the General Land Office. (Rev. Stat., Secs. 2353, 2357, 2358, 2359, 2360, 2455.)

PRIVATE ENTRY OR LOCATION.

Lands which, having been offered at public sale, remain unsold, if not afterward reserved or withdrawn from market, are liable to private entry or location. (Rev. Stat., 2354, 2357; Appendix No. 1.)

MINIMUM AND DOUBLE-MINIMUM LANDS.

No land shall be sold, either at public or private sale, at less than one dollar and twenty-five cents per acre, which is therefore called the "*minimum* price;" and lands held for sale at that price are called "*minimum* lands." (Rev. Stat., 2357; Appendix No. 1.)

Where one-half the public lands within a prescribed distance along the line of any railroad, military road, or other work of internal improvement, have been granted to aid in the construction thereof, the alternate sections reserved to the United States are, under the provisions of the granting acts and other statutes, doubled in price, and held for sale at two dollars and fifty cents per acre, which is therefore called the "*double-minimum price*;" and such lands are called "*double-minimum lands*." (Rev. Stat., 2357.)

All lands which were put in market at the enhanced (double-minimum) price prior to the 1st of January, 1861, were, by the third section of the act of Congress of June 15, 1880, reduced in price to \$1.25 per acre. They are not, however, subject to private entry at the reduced price until again offered at public sale (21 Stat., 237; Appendix No. 5—Eldred v. Sexton, 19 Wall., 169).

MODE OF PROCEEDING IN MAKING CASH PURCHASES.

Any person desiring to purchase a portion of the public land for cash must present a written application to the register for the district in which the land described is situated, describing the tract and giving its area (see Form 4-001). If the tract is vacant, the register will so certify to the receiver, stating the price, and the applicant must pay to the latter the amount of the purchase-money. Thereupon the receiver will issue his receipt in duplicate to the purchaser for the money paid (Form 4-131). The register will then issue his certificate of purchase (Form 4-189).

At the close of the month the register and receiver will make returns of the sale to the General Land Office, from which, when the proceedings are found regular, a patent or complete title will be issued; and on surrender of the duplicate receipt such patent will be delivered, at the option of the patentee, either by the Commissioner at Washington, or by the register at the district land office. (Rev. Stat., Secs. 2245, 2355, 2356.)

CASH PURCHASE BY TIMBER TRESPASSERS.

In addition to the foregoing in reference to purchase at public offering and purchase or location at ordinary private entry, it is to be noted that the first section of the act of Congress of June 15, 1880 (21 Stat., 237; Appendix No. 5), having reference to cases of timber trespasses upon the public lands committed prior to March 1, 1879, extends to such trespassers the privilege of paying for the land upon which the offenses were so committed at the price per acre for which, under the law in force at date of payment, the lands could be sold. This privilege of purchase is not confined to lands subject to private entry, but extends to any lands, not mineral, subject to disposal under general existing laws.

This section cannot be construed to permit a party who falls within the class of offenders named to enter the land if the valid claim of another person shall have attached prior to his application to purchase and be still subsisting.

Where lands are plainly subject to ordinary private entry, no special application to purchase, other than the usual application in cases of private entry, is required in order to enable the purchaser to avail himself of the benefits of this act. When lands are not plainly subject to ordinary private entry, and application to purchase the same shall be made with a view

to securing the immunity contemplated by said first section, the district officers will require the application to be presented under oath of the applicant, giving a full and detailed statement of all the facts upon which he bases his claim to purchase. Such sworn statement must be corroborated by the affidavits of credible witnesses, and the officers will thereupon forward all the papers in a special letter to this office, and await instructions before admitting an entry. Entries allowed will be included in the regular cash returns and accounts, the papers being issued as usual in cash entries, on which will be made a note referring to the statute and to the Commissioner's letter authorizing the same.

WARRANT LOCATIONS.

Warrants issued to soldiers of the United States as a bounty for military services may be located upon any public land subject to private entry at the time of such location, application being made the same as if cash were to be paid as the consideration for the land. The warrant must be duly assigned. The amount of land called for by the warrant must be located in a compact body. (Rev. Stat., 2414, 2415.)

(Bounty warrants were not issued to soldiers and sailors for military services in the late civil war. The only privileges granted them in connection with the public lands will be found set forth hereafter, under the head "Homestead Entries," page 21. The bounties for military services in the last war were not given in *land*, but in *money*.)

Military bounty warrants are not locatable upon any public lands except such as are at the time of location subject to sale at the minimum price, or one dollar and a quarter per acre (section 5 of act of March 3, 1855; 10 Stats., 702). Therefore, where the holder of a warrant wishes to obtain land subject to double minimum price he must furnish a warrant of such denomination as will, at the value of \$1.25 per acre, cover the rated price of the land, or he must pay one dollar and a quarter per acre in addition to the surrendered warrant. For example: a tract of forty acres of land held at \$2.50 per acre can be paid for with an eighty-acre warrant, or with a forty-acre warrant and fifty dollars in cash.

If there is a small excess in the area of the tract over the quantity called for on the face of the warrant in any case, such excess may be paid for in money. If the tract contains a less number of acres, rated at \$1.25 per acre, the warrant must be surrendered in full satisfaction. (Rev. Stat., Sec. 2415; Appendix, No. 1.)

The following fees are chargeable by the land officers, under section 2238 of the Revised Statutes, for their services in the location of land warrants, and the several amounts must be *paid at the time of location*:

For a 40-acre warrant, 50 cents each to the register and receiver; total	\$1 00
For a 60-acre warrant, 75 cents each to the register and receiver; total	1 50
For an 80-acre warrant, \$1 each to the register and receiver; total	2 00
For a 120-acre warrant, \$1.50 each to the register and receiver; total	3 00
For a 160-acre warrant, \$2 each to the register and receiver; total	4 00

AGRICULTURAL COLLEGE SCRIP LOCATIONS.

Agricultural College scrip issued under act of July 2, 1861 (12 Stat., 503), and March 3, 1883, (22 Stat., 484), may be used—

First. In the location of land at "*private entry*;" but when so used is applicable only to lands not mineral which may be subject to private entry

at \$1.25 per acre, and is restricted to a technical "*quarter section*,"—that is, land embraced by the quarter-section lines indicated on the official plats of survey; or it may be located on a *part* of a "*quarter section*," where such part is taken as in full for a quarter; but it cannot be applied to different subdivisions to make an area equivalent to a quarter section. The manner of proceeding to acquire title with this class of paper is the same as in cash and warrant cases, the fees to be paid being the same as on warrants. The location of this scrip at private entry is restricted to *three* sections in *each township* of land, and *one million acres* in *any one State*. (15 Stats., 227.)

Second. In payment of pre-emption claims, in the same manner and under the same rules and regulations as govern the application to pre-emptions of military land warrants; this, too, without regard to the limitation as to the quantity located in a township or in any State.

Third. In payment for homesteads commuted under section 2301 of the Revised Statutes of the United States. (Rev. Stat., Sec. 2278; Appendix No. 1.)

THE RIGHT OF PRE-EMPTION.

Pre-emption right is the right of a resident upon public land to the purchase, within a given period, of a limited quantity thereof, in preference to other applicants, in consideration of prior settlement and improvement.

QUALIFICATIONS OF PRE-EMPTION CLAIMANTS.

Heads of families, widows, or single persons over the age of twenty-one, who are citizens of the United States, or who have declared their intention to become citizens, as required by the naturalization laws, may make claim by pre-emption to the extent of one quarter-section, or one hundred and sixty acres of "*offered*" or "*unoffered*" lands, or of any of the unsurveyed lands belonging to the United States to which the Indian title is extinguished. (Rev. Stat., Secs. 2257 to 2288; Appendix No. 1.)

A person is not a qualified pre-emptor who has removed from land of his own to reside on public land in *the same* State or Territory, or who is the owner of three hundred and twenty acres of land in *any* State or Territory.

PRICE OF LAND TO PRE-EMPTORS.

The price of land to a pre-emptor upon "*minimum*" lands—*i. e.*, lands not within the limits of a grant to a railroad or some other work on internal improvement—is one dollar and a quarter per acre. Within the limits of such grant the price is two dollars and a half per acre; but settlers, prior to withdrawal, are allowed to enter at a dollar and a quarter per acre, provided they shall file notice of their claims and make proof and payment as in other cases. (Rev. Stat., Secs. 2257, 2259, 2279, 2281; Appendix No. 1.)

CLAIMS UPON OFFERED LANDS.

Where the tract is "*offered*" land, the party must file with the district land office his declaratory statement as to the fact of his settlement within

thirty days from the date of said settlement (Form 4-534), and within one year from date of settlement must appear before the register and receiver and make proof of his actual residence on, and cultivation of, the tract, and secure the same by paying *cash*, or locating thereon military bounty land warrants or agricultural college scrip, according to law; or private claim scrip may now be used, under act of Congress of January 28, 1879. (20 Stat., 274; Appendix No. 15.)

CLAIMS UPON UNOFFERED LANDS.

Where the tract has been surveyed and *not offered* at public sale, the claimant must file his declaratory statement within three months from date of settlement (Form 4-535), and make proof and payment within thirty months after the expiration of the three months allowed for filing his declaratory notice, or, in other words, within thirty-three months from date of settlement (Forms 4-189, 4-536, and 4-535).

CLAIMS UPON UNSURVEYED LANDS.

Where settlements are made on *unsurveyed* lands, no definitive proceedings can be had as to the completion of the title until the surveys are extended over the lands and officially returned to the district land office. Within three months after the date of the receipt at the district land office of the approved plat of the township embracing their claims, settlers are required to file their declaratory statements with the register (Form 4-535), and within thirty months from the expiration of said three months to make proof and payment for the tract (Forms 4-061, 4-374a).

A filing without actual settlement is illegal, and no rights are acquired thereby.

The existence of a pre-emption filing on a tract of land does not prevent another filing for the same land, subject to any valid rights acquired by virtue of any former filing and settlement.

BEFORE WHOM THE DECLARATORY STATEMENT MAY BE MADE.

The applicant may make the required affidavit before the register and receiver, or before the judge or clerk of any court of record of the county and State, or district and Territory, in which the land is situated; or if that be an unorganized county, he may make such affidavit in a similar manner in any adjacent county in the State or Territory. (21 Stat., 169; Appendix No. 3.)

Any person swearing falsely *forfeits all right to the land and to the purchase money paid*, besides being liable to prosecution under the criminal laws of the United States.

RESIDENCE OF APPLICANT MUST BE STATED.

The applicant must in every case state in his application his place of actual residence and his post-office address, in order that notices of contest or other proceedings relative to his entry may be sent him.

ALTERATIONS IN APPLICATIONS.

Applications to amend filings or entries should be filed with the register and receiver, and be by them transmitted for the consideration of the Commissioner of the General Land Office. Registers and receivers will not change an entry or filing so as to describe another tract, or change a date, after the same has been recorded.

CONFLICTING PRE-EMPTION CLAIMS.

When two or more settlers on unsurveyed land are found upon survey to be residing upon, or to have valuable improvements upon, the same smallest legal subdivision, they may make joint entry of such tract, and separate entries of the residue of their claims. This joint entry may be made in pursuance of contract between the parties, or without it. (Rev. Stat., Sec. 2274; Appendix No. 1.)

PUBLICATION OF NOTICE OF FINAL PROOF.

A settler desiring to make final proof of having complied with the provisions of the pre-emption law in respect to residence and cultivation, must first file with the register of the proper land office a written notice of his intention to do so (20 Stat., 472; Appendix No. 6). Such notice must describe the land claimed, and the claimant must give the names and residences of the witnesses by whom the necessary facts as to settlement, residence, cultivation, &c., are to be established (Form 4-348).

The filing of such notice must be accompanied by a deposit of sufficient money to pay the cost of publishing the notice to be given by the register.

Upon the filing of the notice by the applicant, the register shall publish a notice that such application has been made, once each week for a period of thirty days, in a newspaper which he shall designate, by an order written on said application, as published nearest the land described in the application, and he shall also post said notice in some conspicuous place in his office for the same period. If published in a weekly paper, a compliance with the law will require the notice to be published weekly six times, as there must be thirty days between the first and last publications.

The notice to be given by the register must state that application to make final proof has been filed; the name of the applicant; the kind of entry, whether homestead or pre-emption; a description of the land, and the names and residences of the witnesses as stated in the application. (See Form 4-347.)

To save expense, the register may embrace two or more cases in one publication, when it can be done consistently with the legal requirements of publication, in a newspaper published nearest the land (as per Form following 4-347).

When proof is filed that notice has been given in the manner and for the time required by law, the applicant will be entitled to make final proof.

The proof that requisite notice has been given will be the certificate of the register that the notice of the application (a copy of which should be annexed to the certificate) was posted by him in a conspicuous place in his office for a period of thirty days (Form 4-227), and the affidavit of the publisher or foreman of the newspaper that the notice (a copy of which notice must be annexed to the affidavit) was published in said newspaper once each week for six successive weeks, or for thirty days in a daily paper, as the case may be.

The proof of the publication and posting of the notice must be filed and preserved by the register, to be forwarded to the General Land Office with the final papers when issued.

FINAL PROOF.

In making final proof the pre-emptor should appear in person at the district office, or before the clerk of the county court or of any court of

record of the county and State, or district and Territory, in which the land is situated, and make the affidavit prescribed. (Rev. Stat., Sec. 2262; Appendix No. 1, Form 4-061; 21 Stat., 169; Appendix No. 4.)

If such affidavit is made before a clerk it must be duly authenticated by the seal of the court and transmitted to the register and receiver, together with the fees and charges allowed by law.

If the land in any case is situated in an unorganized county, such affidavit may be made in the manner indicated, in any adjacent county in the State or Territory. The fact that the county in which the land lies is unorganized, and that the county in which the proof is made is adjacent thereto, must be certified by the officer.

Final proof, in addition to the affidavit, must consist of the testimony of the claimant, corroborated by that of at least two witnesses, taken separately, to the facts constituting his qualifications, and his compliance with law as to settlement, inhabitancy, improvement, non-alienation, &c. (Rev. Stat., Sec. 2263; Appendix No. 1; Forms 4-374, 4-375.)

HEIRS OF A DECEASED PRE-EMPTOR.

Should a pre-emptor die without establishing his claim within the period limited by law, the title may be perfected by the executor, administrator, or one of the heirs, by making the requisite proof of settlement and paying for the land, the entry to be made in the name of "the heirs" of the deceased settler, and the patent will be issued accordingly. The legal representatives of the deceased pre-emptor are entitled to make the entry at any time within the period during which the pre-emptor would have been entitled to do so had he lived. (Rev. Stat., Sec. 2269; Appendix No. 1.)

RELINQUISHMENT OF PRE-EMPTION FILINGS.

Pre-emption filings may be relinquished by the claimants, in writing, filed with the register and receiver of the proper district land office, or the relinquishment may be executed by the claimant on the back of the declaratory-statement receipt. Notice of such relinquishment should be promptly forwarded by the register to the Commissioner of the General Land Office for his information.

SECOND PRE-EMPTION FILINGS.

The second filing of a declaratory statement by any pre-emptor who was qualified at the date of his first filing is illegal (see Sec. 2261 of the Rev. Stats.), where the first filing was made since the 22d of June, 1874 (the date of the Revised Statutes), and was in all respects legal, is not permitted. Where the first filing, however, was made prior to June 22, 1874, and was for *unoffered* lands, or is illegal from any cause not the willful act of the party, he has the right to make a second and legal filing. A second filing for *offered* lands has not been legal since the act of March 3, 1843. (5 Stats., 619; *Johnson v. Towsley*, 13 Wall., 72.)

PRE-EMPTION CLAIMANTS WHO BECOME INSANE.

○ The rights of a pre-emption claimant who has become insane may, under act of June 8, 1880, be proved up, and his claim perfected, by any person duly authorized to act for him during his disability. (21 Stat., 166; Appendix No. 13.)

Such claim must have been initiated in full compliance with law, by a person who was a citizen or had declared his intention of becoming a citizen, and was in other respects duly qualified.

The party for whose benefit the act shall be invoked must have become insane subsequently to the initiation of his claim.

Claimant must have complied with the law up to the time of becoming insane; and proof of compliance will be required to cover only the period prior to such insanity; but the act will not be construed to cure a failure to comply with the law when the failure occurred prior to such insanity.

The final proof must be made by a party whose authority to act for the insane person during his disability shall be duly certified under seal of the proper probate court.

SUFFERERS FROM GRASSHOPPERS.

The first section of the act of July 1, 1879, "for the relief of settlers on the public lands in districts subject to grasshopper incursions," provided that pre-emption settlers on public lands where crops have been destroyed or seriously injured by grasshoppers may leave and be absent from said lands for a period not to exceed one year continuously, under such rules and regulations as the Commissioner of the General Land Office shall prescribe, being allowed afterward to resume and perfect their settlement as though no such absence had occurred. The second section provided that the time for making final proof and payment by pre-emptors whose crops had been destroyed or injured as aforesaid might, at the discretion of the Commissioner, be extended for one year. (21 Stat., 48; Appendix No. 9.)

The proof required in the first section of said act should consist of the affidavit of the claimant, giving the particulars of the alleged destruction or serious injury of crops by grasshoppers, and the affidavits of two or more witnesses corroborative thereof, and should be submitted at time of making final proof through the register and receiver of the proper district land office. The particulars given should be such as to admit of a decision whether the absence was justified by law or not, and should indicate at what time the party left the land and when he resumed his settlement.

A settler desiring to take advantage of the provisions of this act should file with the register and receiver a written notice of intended absence, bearing his own signature, and embracing a statement that he had sustained loss or failure of his crops. This should be noted on the tract-books, for the protection of the claimant and the information of parties who might otherwise make settlement and attempt to obtain title.

Settlers desiring the extension of time provided for in the second section of the act should apply therefor through the same officers, the application to be supported by the same character of proof.

The affidavits required in cases arising under said act should be made before the register or receiver of the district land office, or before any officer using a seal and authorized to administer oaths.

SUFFERERS FROM DROUGHT IN KANSAS AND NEBRASKA IN 1879 OR 1880.

The act of June 4, 1880, "for the relief of certain homestead and pre-emption settlers in Kansas and Nebraska," provided that pre-emption settlers on the public lands, or pre-emption settlers upon Indian reserva-

tions, in the States of Kansas and Nebraska west of the sixth principal meridian, where there was a loss or failure of crops from unavoidable cause in the year 1879 or 1880, might leave and be absent from said lands until the first day of October, 1881, under such rules and regulations as to proof and notice as the Commissioner of the General Land Office might prescribe—such settlers being allowed to resume and perfect their settlements as though no such absence had occurred; and the time for making final proof and payment by such pre-emptors was extended for one year. In cases where the purchase money was by law payable in installments, the first unpaid installment was held not to be due until one year after the expiration of the leave of absence aforesaid. (21 Stat., 543; Appendix No. 10.)

The lands to which the provisions of this act applied are included within the land districts of Wichita, Salina, Concordia, Larned, Kirwin, Wa Keeney, Oberlin, and Garden City (all the districts except Topeka and Independence), in Kansas; and Niobrara, Lincoln, Grand Island, North Platte, Bloomington, Beatrice, Neligh, Valentine, and McCook (all the districts), in Nebraska. Land lying east of the one hundredth meridian in any one of these districts does not come within the provisions of this act.

This act, since it referred to a loss or failure of crops during only the years 1879 or 1880, is now obsolete; but pending cases will be adjudicated under the original instructions, which were as follows:

This right of absence is not available in any case in which there has not been "a loss or failure of crops from unavoidable cause in the year 1879 or 1880;" hence, when a settler not actually entitled to the benefits of this act absents himself from his claim, it will be liable to be regarded as an abandonment, and adverse claims may be recognized.

The settler desiring to leave his claim under this act should file with the register and receiver of the proper district land office a written notice of his intention to do so, bearing his signature, and embracing a statement that he has sustained a loss or failure of his crops in 1879 or 1880, this being necessary for his own protection, and as notice due parties who might otherwise initiate claims to the land.

At date of final proof by any party who shall have availed himself of this act he must show by satisfactory proof the period of absence, and specific facts making appear the loss or failure of crops from unavoidable cause in 1879 or 1880, on account of which he was entitled to its benefits. The proof should consist of the party's own testimony, corroborated by that of two or more disinterested witnesses.

After a party shall have filed the notice of intended absence under this act, no contest involving his right to the land can be instituted prior to the expiration of the legal term of absence to which he is entitled. If the party should be fraudulently absent, it will be a matter of investigation in the regular manner thereafter. All notices filed will be duly entered on the records of the district office, and reported with the final proof made in the case.

THE HOMESTEAD PRIVILEGE.

The homestead privilege is the right granted to actual settlers upon public land, under certain restrictions as to actual qualifications, and upon compliance with prescribed conditions as to residence, cultivation, and improvement, to receive a patent for a limited quantity, not exceeding one hundred and sixty acres, without payment except the entry fee required by law.

APPLICATION FOR A HOMESTEAD.

To obtain a homestead the party must, in connection with his application (Form 4-007), make an affidavit (Form 4-063) before the register and receiver that he is over the age of twenty-one or the head of a family; that he is a citizen of the United States, or has declared his intention to

become such; and that the entry is made for his exclusive use and benefit, and for actual settlement and cultivation; and must pay the legal fee and that part of the commissions which is payable when the entry is made.

Where a wife has been divorced from or deserted by her husband, so that she is dependent upon her own resources for support, if in fact the head of a family she can make homestead entry as such.

Where the applicant or some member of his family is residing upon, and has made actual settlement on and improvement of the land he desires to enter, but is prevented by reason of bodily infirmity, distance, or other good cause, from personal attendance at the district land office, the affidavit may be made before the clerk of the court for the county within which the land is situated. (Rev. Stat., 2294; Appendix No. 1.)

In such cases the applicant must state in a supplemental affidavit the facts of such settlement, improvement, and residence; what acts of settlement have been performed, and when made; the nature, extent, and value of the improvements; what member or members of his family are residing on the land, and the length of time such residence has been maintained, and the cause, specifically, why the applicant cannot appear at the local office.

A person in active service in the Army or Navy of the United States, whose family or some member thereof is residing on the land which he wishes to enter, and upon which a *bona fide* settlement and improvement has been made by them, may make the affidavit required by law before the officer commanding in the branch of service in which the applicant is engaged. (Rev. Stat., 2293; Appendix No. 1.)

The applicant must in every case state in his application his place of actual residence and his post-office address, in order that notices of contest or other proceedings relative to his entry may be sent him.

HOMESTEAD SETTLERS ON UNSURVEYED LANDS.

A homestead settler on unsurveyed public land not yet open to entry must make entry within three months after the filing of the township plat of survey in the district land office. (21 Stat., 140; Appendix No. 18.)

SIMULTANEOUS APPLICATIONS.

In cases of simultaneous applications to enter the same tract of land under the homestead laws, the rule is as follows:

First. Where neither party has improvements on the land, the right of entry should be awarded to the highest bidder.

Second. Where one has actual settlement and improvement and the other has not, it should be awarded to the actual settler.

Third. Where both allègé settlement and improvements, an investigation must be had and the right of entry awarded to the one who shows prior actual settlement and substantial improvements so as to be notice on the ground to any competitor. (Report of General Land Office for 1866, p. 19; also case of *Halfrich vs. King*, 3 Copp, L. O., p. 164.)

FEES AND COMMISSIONS.

The commissions and fees for homestead entries in Michigan, Wisconsin, Minnesota, Iowa, Missouri, Nebraska, Kansas, Dakota, Alabama, Mississippi, Louisiana, Arkansas, and Florida (also in Ohio, Indiana, and Illinois,

if any vacant tracts should be found liable to entry in those States), are as follows: (Rev. Stat., 2238; Appendix No. 1.)

Acres.	Price per acre.	Commissions.		Fee.	Total of fee and commissions.
		Payable when entry is made.	Payable when certificate issues.	Payable when entry is made.	
160	\$2 50	\$8 00	\$8 00	\$10 00	\$26 00
80	2 50	4 00	4 00	5 00	13 00
40	2 50	2 00	2 00	5 00	9 00
160	1 25	4 00	4 00	10 00	18 00
80	1 25	2 00	2 00	5 00	9 00
40	1 25	1 00	1 00	5 00	7 00

In the States and Territories on the Pacific slope and adjacent thereto—to wit, in California, Oregon, Washington, Idaho, Nevada, Utah, Arizona, New Mexico, Colorado, Wyoming, and Montana—the commissions and fees are fifty per cent. higher than in the other States and Territories, being as follows: (Rev. Stats., Sec. 2238, paragraph 12; Appendix No. 1.)

Acres.	Price per acre.	Commissions.		Fee.	Total of fee and commissions.
		Payable when entry is made.	Payable when certificate issues.	Payable when entry is made.	
160	\$2 50	\$12 00	\$12 00	\$10 00	\$34 00
80	2 50	6 00	6 00	5 00	17 00
40	2 50	3 00	3 00	5 00	11 00
160	1 25	6 00	6 00	10 00	22 00
80	1 25	3 00	3 00	5 00	11 00
40	1 25	1 50	1 50	5 00	8 00

On compliance by the party with the foregoing requirements, the receiver will issue his receipt for the fee and that part of the commissions paid (Form 4-137), a duplicate of which he will deliver to the party. The matter will then be entered on the records of the district office and reported to the General Land Office.

INCEPTIVE RIGHTS OF HOMESTEAD SETTLERS.

An inceptive right is vested in the settler by the proceedings hereinbefore described. He must, within six months after making his entry, establish his actual residence, in a house, upon the land, and must reside upon and cultivate the land continuously, in accordance with law, for the term of five years.

At the expiration of that time, or within two years thereafter, upon proper proof to the satisfaction of the land officers (Forms 4-070, 4-369, 4-370) and payment to the receiver of that part of the commissions remaining to be paid, the receiver will issue his receipt therefor, and the register will issue certificate (Forms 4-140, 4-196), and make proper returns to the General Land Office as the basis of a patent or complete title to the homestead.

The period of continuous residence and cultivation begins to run at the date of actual settlement, in case the entry at the district land office is

made within the prescribed period (three months) thereafter. (21 Stat., 141; Appendix No. 18.)

DEFINITION OF "CULTIVATION."

In grazing districts, stock-raising and dairy production are so nearly akin to agricultural pursuits as to justify the allowance of entry upon proof of permanent settlement and the use of the land for such purposes.

GRASSHOPPERS AND DROUGHT.

Homestead claimants, equally with pre-emptors, may avail themselves of the provisions of the laws extending the time of settlement in regions that have suffered from drought (see page 10; 21 Stat., 543; Appendix No. 10) or the devastations of grasshoppers (see page 10; 21 Stat., 48; Appendix No. 9).

Where a homestead claimant was absent under the provisions of these acts, the time of making final proof was not thereby extended (the proviso in respect to extension of time being limited in its application to pre-emptors).

CLIMATIC HINDRANCES.

The proviso annexed to section 2297, Rev. Stats., by amendatory act of March 3, 1881 (21 Stat., 511; Appendix No. 11), which applies only to homestead settlers, provides that in case such settler has been prevented by climatic reasons from establishing actual residence upon his homestead within six months from date of entry, the Commissioner of the General Land Office may, in his discretion, allow him twelve months from that date in which to commence his residence.

In such case the settler must, on final proof, file with the register and receiver his affidavit, duly corroborated by two credible witnesses, setting forth in detail the storms, floods, blockades by snow or ice, or other hindrances dependent upon climatic causes which rendered it impossible for him to commence residence within six months. A claimant cannot be allowed twelve months for entry when it can be shown that he might have established his residence on the land at an earlier day; and a failure to show that he exercised proper diligence in so doing as soon as possible after the climatic hindrances disappeared will imperil his entry in case of a contest.

PUBLICATION OF NOTICE OF FINAL PROOF.

A settler desiring to make final proof of having complied with the provisions of the homestead law in respect to residence and cultivation, must file with the register of the proper land office a written notice of his intention to do so (20 Stat., 472; Appendix No. 7), to be followed by publication of the same in some newspaper to be designated by the register—such notice and publication to be substantially in accordance with the directions relative to notice and publication in the case of pre-emption entry (see page 8, and Forms 4-347 and 4-348).

FINAL PROOF.

In making final proof the homestead party should appear in person, with at least two witnesses, at the district office, or, under act of March 3, 1877

(19 Stat., 403; Appendix No. 3), before the judge of a court of record of the county and State, or district and Territory, in which the land is situated, and there he and his witnesses must make the affidavits and final proof prescribed (Forms 4-070, 4-369, 4-370).

If such proof is taken before a judge or clerk, it must be duly authenticated by the seal of the court and transmitted to the register and receiver, together with the fee and charges allowed by law. In case of the absence of the judge, the fact of such absence must be certified in the papers by the clerk acting in his place.

As settlers on unsurveyed lands are allowed three months after the filing of the township plat of survey within which to put their claims on record, no final proof on homestead or pre-emption entries should be permitted until after the expiration of said three months.

HOMESTEAD CLAIMANTS WHO BECOME INSANE.

The rights of a homestead claimant who has become insane may be proved up, and his claim perfected, in the same manner and under the same restrictions as in the case of a pre-emption claimant who becomes insane (see page 9; 21 Stat., 166).

HEIRS OF A HOMESTEAD SETTLER.

Where a homestead settler dies before the consummation of his claim, the widow, or, in case of her death, the heirs, may continue settlement or cultivation, and obtain title upon requisite proof at the proper time. If the widow proves up, title passes to her; if she dies before proving up and the heirs make the proof, the title will vest in them. (See 2291, Rev. Stat.; Appendix No. 1.)

Where both parents die, leaving infant children, the homestead may be sold for cash for the benefit of such children, and the purchaser will receive title from the United States; or residence and cultivation may continue for the prescribed period, when the patent will issue to the children. (Sec. 2292, Rev. Stat.; Appendix No. 1.)

A homestead right cannot be devised away from a widow or minor children.

In case of the death of a person after having entered a homestead, the failure of the widow, children, or devisee of the deceased to take up residence on the land within six months after the entry, or otherwise to fulfill the demands of the letter of the law as to residence, will not necessarily subject the entry to forfeiture on the ground of abandonment. If the land is cultivated in good faith the law will be considered as having been substantially complied with.

CONVERSION OF PRE-EMPTION INTO HOMESTEAD CLAIMS.

A person who has made settlement on a tract and filed his pre-emption declaration therefor, may change his filing into a homestead if he continues in good faith to comply with the pre-emption laws until the change is effected; and the time during which he has resided upon and claimed the land as a pre-emptor will be credited upon the period of residence and cultivation required under the homestead laws. (20 Stat., 86; Appendix No. 12.) In his first homestead affidavit he must set forth the fact of a previous pre-emption filing, the time of actual residence thereunder, and the

intention to claim the benefit of such time, as provided for in the act. In making final proof on his homestead entry he is required, in addition to the usual affidavit and proof, to make the prescribed "pre-emption homestead affidavit" (Form 4-071).

COMMUTATION OF HOMESTEAD ENTRIES.

If a homestead settler does not wish to remain five years on a tract, he may pay for it with cash, or warrants, or agricultural college scrip (Rev. Stat., 2301; Appendix No. 1). Or, since the passage of the act of January 28, 1879 (20 Stat., 274; Appendix No. 6), payment may be made with private claim scrip.

To entitle him to the land upon making such payment he must prove actual settlement, improvement, and cultivation from the date of entry to the time of offering proof—which must be a period of not less than six months; the form of proof to correspond with the regular final proof in homestead cases, except that the affidavit must be that prescribed in Form 4-069. A person commuting a homestead entry when he has not actually resided upon the land and improved and cultivated it as required by law, *forfeits all right to the land and to the purchase money paid*, and in addition thereto renders himself liable to criminal prosecution.

The applicant must also prove actual settlement and cultivation from the date of entry to the time of offering proof—the form of proof to correspond with the regular final proof in homestead cases, except that the affidavit must be that prescribed in Form 4-069.

A further right of making cash payment for lands originally entered as a homestead accrues under the act of June 15, 1880 (21 Stat., 237; Appendix No. 5), which allows any party who had entered a homestead prior to that date (or any person to whom such party may have attempted to transfer his right by a *bona fide* instrument in writing) to pay the government price (less the fee and costs) for the land covered by such entry, provided it was originally subject to entry, and provided it had not been subsequently entered by any other person under the provisions of law. (Maughn, 9 Copp, 56; Miller, *ibid.*, 57; Weaver, *ibid.*, 9; Bishop, *ibid.*, 95.) He cannot, however, be permitted to exercise such right so as to bar the preferred right of a contestant under act of May 14, 1880 (21 Stat., 140), after judgment or forfeiture has become final. (Wright v. Pomeroy, December 16, 1883—Copp's Land Owner, vol. 10, p. 324.)

In case the original homestead party applies to purchase, if he has lost his duplicate receipt, he must make oath that he has not, prior to the passage of said act, transferred nor attempted to transfer his homestead rights under said entry, and that he has not assigned his right to receive the repayment of the fees, commissions, and excess payments paid thereon. The register will certify to the receiver the amount to be allowed as credit for fees and commissions already paid, the applicant first making oath that said fees and commissions have not been repaid, and that no application for such repayment has been made. In case he had attempted to transfer his right he may still be permitted to purchase, upon filing proof of the consent of the person to whom such transfer was attempted to be made.

ATTEMPTED TRANSFER OF HOMESTEAD RIGHTS.

In case a party to whom a homestead settler has attempted to transfer his right desires to take advantage of the act, the register and receiver will

require the instrument in writing by which it was sought to transfer such homestead right to be filed, together with the best evidence attainable of the *bona fide* character of the transfer, including the affidavit of the party who seeks to purchase.

In case of doubt as to the propriety of allowing the application to purchase, they should refer all the papers to the General Land Office, accompanied by an expression of their opinion based upon a full recital of the facts.

FORM OF ENTRY.

The application must be made as in ordinary cash entry (Form 4-001), and must be accompanied by the receiver's duplicate homestead receipt, or, if that has been lost or destroyed, by an affidavit setting forth such fact, and giving the register's and receiver's number and date of the original homestead entry. It must also be stated in the application that the same is made under the second section of the act of June 15, 1880.

Entries under said second section will receive current register's and receiver's numbers in the regular cash series, and will be returned in the same manner as in other cases of cash entry, referring, however, in each instance, on the cash abstracts, certificates, and receipts, to the date of the act authorizing the entry, the register's and receiver's number of the original homestead application, and the amount allowed as credit for fees and commissions, as follows: "Act June 15, 1880. Original homestead entry No. —. Credit for fees and commissions, \$ ———."

Final homestead proof not being required in these cases, no advertisement or notice of intention to make final proof is necessary, and no final homestead fees are to be paid or collected.

Warrants and scrip made receivable by law for lands subject to sale at private entry, or in commutation of homestead or pre-emption rights, are receivable for lands purchased under this act.

Where land purchased under this act is paid for with warrants or scrip there would be no claim for repayment on account of the fee and commissions paid on the original homestead entry; and the existing rule must be observed, that where the value of warrants or scrip exceeds that of the lands entered therewith no repayment on account of such excess is authorized, but the warrant or scrip applied must be fully surrendered (see page 5).

HOMESTEAD CLAIMS NOT SALABLE.

The sale of a homestead claim by the settler to another party before completion of title vests no title or equities in the purchaser, and is not recognized by law, except in the peculiar case last referred to, where the attempted transfer took place prior to June 15, 1880. In making final proof, the settler is by law required to swear that no part of the land has been alienated except for church, cemetery, or school purposes, or the right of way of railroad. (Rev. Stat., 2288; Appendix No. 1.)

RELINQUISHMENTS.

Homestead claims may be relinquished in the same manner as pre-emption claims (see page 9). In case of the loss of the duplicate receipt an affidavit of such loss must accompany the written relinquishment.

ONLY ONE HOMESTEAD PRIVILEGE TO THE SAME PERSON PERMITTED.

As the law allows but one homestead privilege, a settler relinquishing or abandoning his claim cannot thereafter make a second entry; although where the entry is canceled as invalid for some reason other than abandonment, and not the willful act of the party, he is not thereby debarred from entering again, if in other respects entitled, and may have the fee and commissions paid on the canceled entry refunded on proper application under the act of June 16, 1880.

Where a party makes a selection of land for a homestead, he must, as a general rule, abide by his choice. If he has neglected to examine the character of the land prior to entry and it proves to be infertile or otherwise unsatisfactory, he must suffer the consequences of his own neglect.

In some cases, however, where obstacles which could not have been foreseen, and which render it impracticable to cultivate the land, are discovered subsequently to entry (such as the impossibility of obtaining water by digging wells or otherwise), or where, subsequently to entry, and through no fault of the homesteader, the land becomes useless for agricultural purposes (as where by the deposit of "tailings" in the channel of a stream a dam is formed, causing the waters to overflow), the entry may, in the discretion of the Commissioner of the General Land Office, be canceled and a second entry allowed. But in the event of a new entry, the party will be required to show the same compliance with law in connection therewith as though he had not made a previous entry, and must pay the proper fees and commissions upon the same.

CONTEST ON GROUND OF ABANDONMENT.

Where application is made to contest the validity of a homestead entry on the ground of abandonment, the party must file his affidavit with the district land officers, accompanied by the affidavits of one or more witnesses in support of the allegations made, setting forth the facts on which his application is founded, describing the tract and giving the name of the settler. Upon this the officers will set apart a day for hearing, giving all the parties in interest due notice of the time and place of trial.

In cases of inability to make personal service of the notice, and when it becomes necessary to serve it by publication, the act of Congress of June 3, 1878, directs that the same shall "be printed in some newspaper printed in the county where the land in contest lies; and if no newspaper be printed in such county, then in the newspaper printed in the county nearest to such land." After the trial, the land officers will transmit the testimony, with their joint report, for the action of this office, according to Rules of Practice approved December 20, 1880, given in separate circular.

The contestant must defray the expenses incident to such a contest. If he succeeds in the contest, and procures the cancellation of the entry, he will be notified thereof, and for a period of thirty days from such notice will be allowed a preference right over any other person to institute a claim to the land. (21 Stat., 140; Appendix No. 18.)

ADJOINING FARM HOMESTEADS.

A person possessing the requisite qualifications under the homestead law, owning and residing on land not amounting in quantity to a quarter-

section, may enter other land lying contiguous to his own to an amount which shall not, with the land already owned by him, exceed in the aggregate one hundred and sixty acres. For instance, if he has purchased or obtained from the Government or from any other party forty acres of land, he can, under the provisions of the homestead law, enter one hundred and twenty acres adjoining; if he is the owner of eighty acres, he can enter another tract of eighty acres; if he is the owner of one hundred and twenty acres, he can enter forty acres additional. (Sec. 2289, Rev. Stat.; Appendix No. 1.) The party must fulfill the requirements of the homestead law as to residence and cultivation, but will not be required to remove from the land which he originally owned in order to reside upon and cultivate that which he thus acquires under the homestead law, since the whole one hundred and sixty acres are considered as constituting one farm or body of land, residence upon and cultivation of a portion of which is equivalent to residence upon and cultivation of the whole, except that patent for the adjoining homestead will not be issued until five years from date of entry thereof.

ADDITIONAL HOMESTEADS WITHIN THE LIMITS OF GRANTS TO RAILROADS.

The law originally granting the homestead privilege gave to all citizens, or persons who had declared their intention to become citizens, the right to a homestead on *surveyed* public lands. This amount was limited to one hundred and sixty acres of the ordinary class of public lands—such as were held by law, when disposed of to cash purchasers, at \$1.25 per acre; or to eighty acres of the class of lands embraced in alternate sections along the lines of railroads and other works of internal improvement, reserved to the United States in making grants of land in aid of the construction of such work—the price of such reserved lands being increased to \$2.50 per acre. (Rev. Stat., Secs. 2289 to 2312; Appendix No. 1.)

The act of March 3, 1879, provided that from and after its passage “the *even* sections within the limits of any grant of public lands to any railroad company, or to any military road company, or to any State in aid of any railroad or military road, shall be open to settlers under the homestead laws to the extent of one hundred and sixty acres to each settler,” thus doing away in this class of entries with the distinction which had existed under section 2289 of the Revised Statutes between minimum lands (those held at \$1.25 per acre) and double-minimum lands (those held at \$2.50 per acre), so far as double-minimum lands might be found in *even* sections within the limits of any railroad or military road. These provisions did not embrace double-minimum lands in *odd* numbered sections, nor within the limits of grants for any description of public works other than railroads and military roads. (20 Stat., 472; Appendix No. 7.)

In some of the States the *even* sections within a certain distance of the line of route were allotted to the land-grant railroads, while the odd sections were reserved to the United States. The act of July 1, 1879, extended the provisions of the act of March 3, 1879, above mentioned, to the *odd* (reserved) sections in the States of Arkansas and Missouri. (21 Stat., 46; Appendix No. 8.)

There yet remained certain States (as Alabama and Mississippi) in which (as in Arkansas and Missouri) the land-grant railroads had been allotted

the *even* sections, while the United States had reserved the *odd* sections—which States were not embraced within the provisions of the act last mentioned. But by the 3d section of the act of June 15, 1880, the *odd* sections within the granted limits of such roads in Alabama and Mississippi (having been brought into market at double-minimum price prior to January 1, 1861) were reduced in price to \$1.25 per acre, and homestead settlers were allowed one hundred and sixty acres of such lands. (21 Stat., 237; Appendix No. 5.)

In justice to parties who had already entered lands within the granted limits of land-grant railroads, and who had been, by the law as it existed at the date of such entry, restricted to eighty acres, it was further provided that any such person might enter eighty acres additional, adjoining the land embraced in his original entry, if such adjoining lands were subject to entry. (20 Stat., 472; Appendix No. 7; 21 Stat., 46; Appendix No. 8.)

Such additional homestead entry is allowable, even though the original homestead entry had been commuted to a cash entry.

A woman who has married since making the original entry is not thereby disqualified from making an adjoining homestead entry.

In case, however, there should be no land subject to entry adjoining the original homestead, or if for any other reason the homestead party did not desire to select adjoining land, he might surrender his original entry to the Government for cancellation, and be entitled to enter land elsewhere, under the homestead law, the same as if the surrendered entry had never been made. (20 Stat., 472; Appendix No. 7; 21 Stat., 46; Appendix No. 8.)

A person making additional entry of eighty acres, or new entry after surrender and cancellation of his original entry, can do so without payment of further fees and commissions. (20 Stat., 472; Appendix No. 7.)

The residence and cultivation of such person upon the land embraced in his original entry shall be considered residence and cultivation for the same length of time upon the land embraced in his new entry, and will be deducted from the five years' residence and cultivation required by law; *provided*, that in no case shall a patent issue upon an adjoining or new homestead entry until the person has actually, and in conformity with the homestead laws, resided upon and cultivated the land embraced therein for at least one year. (20 Stat., 472; Appendix No. 7.)

Where the additional entry, however, consists of land adjoining that originally entered, the homestead party will not be required to remove from the latter to reside upon and cultivate the former, since the two are considered as constituting one farm or body of land. But even in such case, in order to fulfill the requirements of the proviso of the law of March 3, 1879 (20 Stat., 472; Appendix No. 7), patent will not be issued for the land entered until at least a year from the date of its entry, no matter how completely the demands of the law may have been complied with regarding the portion of the land constituting the original entry.

In applying for an additional entry the party must make affidavit before the register and receiver, describing the tract upon which he resides as his original farm (Form 4-066). He must submit proof setting forth the particulars of his existing entry and of his compliance with legal requirements regarding the same (Form 4-369); and must make application and affidavit according to Forms 4-018 and 4-086. The proof herein

referred to is required in order to ascertain the status of the original entry at the date of application for the additional homestead, and to obtain the credit to which the party may be entitled for residence and cultivation of the original tract.

In case, however, final proof on the original entry has been made and certificate issued, the requirement of proof as above directed may be omitted; and in lieu thereof the register and receiver in reporting the case will make a reference to the certificate, giving its number and date, so that it may be identified on the records of the General Land Office.

The preceding requirements having been complied with, the register and receiver, if they find the original entry to be intact upon their records, whether patented or not, will allow the entry applied for, note the same on their records, giving it the proper number in the regular homestead series, and report it with their monthly homestead returns, indicating its character as an additional entry on the margin of their monthly abstracts, with a reference to the original entry by its number and the description of the land. The money columns in the abstracts will of course be left blank, since there will be no fees and commissions paid.

Should the person choose to surrender his existing entry of eighty acres in order to make entry elsewhere of one hundred and sixty acres, the register and receiver will receive his relinquishment, which shall specify for what purpose made, and be accompanied by the duplicate receipt issued for the relinquished entry, or by a statement under oath showing a good reason for its absence. They will report the case in a special letter to the General Land Office, and await instructions before proceeding further in the matter. The same provisions obtain regarding settlement and cultivation, and the non-payment of fees and commissions, which have already been set forth in connection with adjoining homestead entries.

The act opening the *odd* sections of the public lands to homestead entry to the amount of one hundred and sixty acres to each settler, where the *even* sections had been granted to railroads or military roads, applies only to Arkansas and Missouri. (21 Stat., 46.) Outside of those two States, therefore, where the odd sections have been granted to railroads, the even sections have *not* been opened to homestead entry to an amount exceeding eighty acres, and the provisions regarding adjoining homestead entries do *not* apply, unless such lands were brought into market at double-minimum price prior to January 1, 1861. (21 Stat., 237; Appendix No. 5.)

The applicant for an additional homestead entry must swear that he did not serve in the Army or Navy of the United States for ninety days or more; for persons who thus served were not restricted to eighty acres under previously existing laws, and consequently are not entitled to the benefits of the acts amending said laws.

SOLDIERS' AND SAILORS' HOMESTEAD RIGHTS.

Any officer, soldier, seaman, or marine who served for not less than ninety days in the Army or Navy of the United States during the rebellion, and who was honorably discharged, and has remained loyal to the Government, is entitled to enter, under the provisions of the homestead law, one hundred and sixty acres of land, "including the alternate reserved sections along the line of *any* railroad or other public work." (Rev. Stat., 2304; Appendix No. 1.)

The time of service, or, if the party was discharged from service on account of wounds or disabilities incurred in the line of duty, the whole term of enlistment, shall be deducted from the period of five years during which an ordinary claimant must, to perfect title, reside upon and cultivate the entered tract; but the party must, in every case, reside upon, improve, and cultivate his homestead for a period of at least one year after he shall have commenced his improvements. (Rev. Stat., 2305; Appendix No. 1.)

A party applying for the benefit of this provision of the law must file with the register and receiver a certified copy of certificate of discharge, showing when he enlisted and when he was discharged; or the affidavit of two respectable, disinterested witnesses corroborative of the allegations contained in the prescribed affidavit (Form 4-065) on these points, or, if neither can be procured, his own affidavit to that effect.

The filing must be accompanied by the oath of the soldier, stating his residence and post-office address, and setting forth that the claim is made for his exclusive use and benefit, for the purpose of actual settlement and cultivation, and not either directly or indirectly for the use or benefit of any other person; and that he has not theretofore either made a homestead entry or filed a declaratory statement under the homestead law. (Form 4-546.)

As implied by the requirement of the oath, a soldier will be held to have exhausted his homestead right by the filing of his declaratory statement; it being manifest that the right to file is a privilege granted to soldiers in addition to the ordinary privilege only in the matter of giving them power to hold their claims for six months after selection, before entry; but is not a license to abandon such selection with the right thereafter to make a regular homestead entry independently of such filing. This is clear from the statutory language. Section 2304 provides that "the settler shall be allowed six months, after locating his homestead and filing his declaratory statement, within which to make his entry and commence his settlement and improvement;" and section 2309 requires him "in person" to "make his actual entry, commence settlement and improvement on *the same*, and thereafter fulfill all the requirements of law." These must be done on "the same" land selected and located by the filing.

Following the accepted practice in pre-emption cases, the filing of a declaratory statement will not be held to bar the admission of filings and entries by others; but any person making entry or claim during the period allowed by law for entry of the soldier will do so subject to his right; and the soldier's application when offered within such time will be allowed as a matter of right and operate to exclude the intervening claim.

SOLDIERS' WIDOWS, OR MINOR ORPHAN CHILDREN.

The widow, if unmarried—or in case of her death or marriage, the minor orphan children—of any such officer, soldier, sailor, or marine may enter land under the same conditions as might her husband if living; and if he died during his term of enlistment, the widow or minor children shall have the benefit of the whole term of enlistment to be deducted from the time hereinbefore required to perfect title to the land. (Rev. Stat., 2307; Appendix No. 1.)

Minor orphan children can act only by their duly appointed guardians, who must file certified copies of the powers of guardianship, which must

be transmitted to the General Land Office by the registers and receivers with their abstracts of soldiers' declaratory statements.

In case of widows, the prescribed evidence of military service of the husband must be furnished, with affidavit of widowhood, giving date of the husband's death.

In case of minor orphan children, in addition to the prescribed evidence of military service of the father, proof of death or re-marriage of the mother must be furnished. Evidence of death may be the testimony of two witnesses, or a physician's certificate duly attested. Evidence of marriage may be certified copy of marriage certificate, or of the record of same, or testimony of two witnesses to the marriage ceremony.

The ruling relative to the widow or minor children of a deceased homestead party as to actual residence (page 15) is equally applicable to the widow or minor children of a deceased sailor or soldier; if the land is cultivated in good faith the law will be regarded as substantially complied with, although the widow or children may not actually reside upon the land.

A SOLDIER'S CLAIM MAY BE FILED BY AN AGENT.

Any such officer, soldier, sailor, or marine may file his claim for a tract of land through an agent, and may have six months thereafter within which to make his actual entry and commence his settlement and improvements upon the land. (Rev. Stat., 2309; Appendix No. 1.)

An *entry* cannot be made for a soldier by an agent or attorney.

In addition to the oath heretofore prescribed, the oath, in case of filing by an agent, must further declare the name and authority of the agent and the date of the power of attorney or other instrument creating the agency—adding that the name of the agent was inserted therein before its execution. It should also state in terms that the agent has no right or interest, direct or indirect, in the filing of such declaratory statement (Form 4-545).

The agent must file (in addition to his power of attorney) his own oath to the effect that he has no interest, either present or prospective, direct or indirect, in the claim; that the same is filed for the sole benefit of the soldier, and that no arrangement has been made whereby said agent has been empowered at any future time to sell or relinquish such claim, either as agent or by filing an original relinquishment of the claimant (Form 4-545).

The foregoing rule, however, will not be construed to require the rejection of an application to enter the tract filed upon after the lapse of six months, when climatic reasons are shown, which in case of an actual entry would, under the act of March 3, 1881 (21 Stat., 511; Appendix No. 11), justify an allowance of one year for establishing residence; nor in cases where the failure results from sickness, misfortune, or any insurmountable cause, which shall be properly alleged and satisfactorily shown, and where no adverse right has intervened.

Where such cause has prevented entry and an adverse right has been admitted, it will be held proper within the discretion of the General Land Office to allow an entry upon another tract: *Provided*, That it shall be shown to the full satisfaction of the Commissioner that the default was practically beyond the power of the claimant to avoid.

In case any register and receiver have cause to believe that any filing offered for record is not presented in good faith, they will note such cause upon the same, and if it be sufficient to warrant rejection—such as a want

of proper authentication or other palpable defect—they will reject the same, allowing an appeal from their ruling according to the regular practice. Where such cause is not sufficient to warrant an authoritative ruling, they will admit the filing, subject to investigation, and immediately proceed to make proper inquiry into the matter, reporting their action at once to the Commissioner of the General Land Office.

For the filing of a declaratory statement the register and receiver will be allowed to charge, each, a fee of one dollar. This fee the receiver will account for in the usual manner, indicating the same in his account as fees for "homestead declarations," which will be charged against the maximum of \$3,000 now allowed by law. In the States and Territories for which fifty per centum additional is allowed (see page 13), the additional allowance will apply to the fee herein named.

SOLDIER'S ADDITIONAL HOMESTEAD ENTRY.

Any officer, soldier, seaman, or marine who served for not less than ninety days in the Army or Navy of the United States during the rebellion, who had, prior to June 22, 1874, made a homestead entry of less than one hundred and sixty acres, may enter an additional quantity of land, adjacent to his former entry or elsewhere, sufficient to make, with the previous entry, one hundred and sixty acres. (Rev. Stat., 2306; Appendix No. 1.)

This right (extended by sec. 2307, Rev. Stat., to the widow, if unmarried, otherwise to the minor orphan children by proper guardian) is a *personal* one, and is not transferable; it is not subject to assignment or lien, nor can it be exercised by another.

The practice which formerly prevailed of certifying the additional right as information from the records of the General Land Office and permitting the entry to be made by an agent or attorney has been discontinued.

The party desiring to make an additional entry, and being entitled thereto, must present himself at the land office of the district in which the land he wishes to enter is situated, and make his application in the same manner as in case of an original entry (Form No. 4-008).

In addition to the usual homestead affidavit the claimant must make a special affidavit showing—

First—His identity as the soldier he represents himself to be, reciting his military service, and stating his present residence and post-office address.

Second—The facts in detail, setting forth his right to make the additional entry, and that he has fully complied with the provisions of the homestead laws in the matter of residence upon, and cultivation and improvement of, his original entry, and stating whether or not he has proved up his claim and received a patent for the land. Proper reference must be made to the original homestead entry, giving the name of the district office wherein it was made, the date and number of the entry, and the description of the land.

Third—That he has not in any manner previously exercised his additional right either by entry or application, or by sale, transfer, or power of attorney, but that the same remains in him unimpaired.

The foregoing affidavits must be sworn to *and subscribed* in the presence of the register or receiver. This rule must be strictly adhered to in order to avoid false personation; and applications and affidavits presented to the register and receiver with signature attached *will not be received*.

The foregoing rules will not be deemed to apply to cases where the additional entry has heretofore been certified by the General Land Office, nor to cases pending which were filed therein prior to March 16, 1883.

Where the party's first entry has been consummated, the register and receiver will require him to pay the same fee and commissions as in cases of original entry; the receiver will issue his receipt for the money paid, and these papers will receive the current date and the proper numbers in their homestead series. Then, to complete the transaction—it being an object, for the convenience of business, that the additional entry papers and the final papers therefor, in such cases, shall be kept separate and distinct—the party will make payment of the usual final commissions on the entered tract, for which the receiver will issue his receipt; the register will thereupon issue his final certificate for the additional tract (Form 4-197), the receipt and certificate to bear their proper numbers in the final homestead series, likewise a reference to the original entry and to the final certificate thereon by their numbers, and also by their district where the party's first entry shall have been made in a different district.

In case the party has not made proof on his original homestead entry when he applies for additional land, he will be allowed to make the additional entry on proper application, as above stated, and paying the usual fee and commissions, for which the receiver will issue his receipt, the papers to receive their proper numbers in the homestead series, with a reference thereon to the original entry. Thereafter, when the party shall make final proof on the original entry, he will be required to pay the final commissions on both entries, when a final receipt will be issued for the money, and thereupon a final certificate issued to call both for the tract in the original entry and the additional tract. On these papers the register and receiver will make a reference to the original and the additional entry, and on them one patent will issue for both. But where it happens that the original entry and the additional entry are made in different land districts, this rule must be departed from so far as regards the issuing of one final certificate and receipt for both.

PARTIAL WAIVER OF HOMESTEAD RIGHTS.

The election of a qualified party, when filing for a homestead, to take less than the law allows him, is construed as a waiver of his claim for a larger quantity; and the same in case of an adjoining farm entry or soldier's additional entry.

(But when an additional homestead claim was filed for forty acres by a homesteader whose original entry was one hundred and twenty acres, and forty acres of this original entry had been canceled, but notice of the cancellation had not reached him when he filed for the additional forty acres, this was *not* considered a waiver of the full amount, since he filed for all that he supposed was due him.)

The acts of March 3 and July 1, 1879, providing that a person who had taken a homestead to the extent of eighty acres within the granted limits of a railroad grant, on the alternate sections belonging to the Government, might enter an additional contiguous eighty acres, are not construed as allowing a person who elected to take but forty acres under the original homestead law to take an additional one hundred and twenty acres under these amendatory acts.

INDIAN HOMESTEAD CLAIMANTS.

Any Indian possessing the requisite qualifications may, under act of March 3, 1875, take advantage of the provisions of the homestead law, except that

he cannot commute it into a cash entry (under section 2301, Rev. Stat.), and that his title is not subject to alienation or incumbrance, either by voluntary conveyance or by the judgment, decree, or order of any court, but remains inalienable for a period of five years from the date of the patent. (18 Stat., 420; Appendix No. 14.)

An Indian desiring to enter public land under this act must make application to the register and receiver of the proper district land office; also an affidavit setting forth the fact of his Indian character; that he was born in the United States; that he is the head of a family or has arrived at the age of twenty-one years; that he has abandoned his tribal relations and adopted the habits and pursuits of civilized life (Form 4-079), and this must be corroborated by the affidavits of two or more disinterested witnesses (Form 4-077).

If no objection appears, the register and receiver will then permit him to enter the tract desired according to existing regulations, so far as applicable, under the homestead law, the register writing across the face of the application (Form 4-007) the words "Indian homestead—act of March 3, 1875;" they will note the entry on their records and make returns thereof to this office, with the affidavits submitted.

Indian settlers upon the public lands of the United States, whether surveyed or unsurveyed, are entitled, on proper showing, to the benefits and privileges extended by the 3d section of the act of May 14, 1880. (21 Stat., 140; Appendix No. 18.)

LIMITATION OF LIABILITY FOR DEBT.

All lands acquired under the provisions of the homestead laws are exempt from liability for debt contracted prior to the issuing of patent therefor. (Rev. Stat., 2296; Appendix No. 1.)

DEPOSITS FOR SPECIAL SURVEYS.

When the settlers in any township (the land in which is not mineral or reserved to the Government) desire a government survey made thereof, and file an application therefor, and deposit in any Government depository to the credit of the United States a sum sufficient to pay for such survey, if the township is within the range of the regular progress of the public surveys, the Commissioner of the General Land Office will instruct the Surveyor General to survey such township. (Sec. 2401, Rev. Stat.; Appendix No. 1.) The amount so deposited by settlers may be applied in part payment for their lands. (Sec. 2403, Rev. Stat.; Appendix No. 1.)

The certificates issued for such deposits are assignable by indorsement; and while not receivable in payment for land at cash entry, except from the settlers who made the deposit, such certificates will be received in payment from settlers under the pre-emption law, or in commutation of homestead entries (20 Stat., 352); but the act of August 7, 1882 (Appendix No. 1), restricts the application of certificates of deposit issued subsequently to its passage to lands situated in the district embracing the township the surveying of which is to be paid out of such deposit.

PARAMOUNT RIGHT OF AN ACTUAL SETTLER.

According to the principles laid down in decisions by the United States Supreme Court and rulings of this Department, the right of a *bona fide* actual settler under the pre-emption, homestead, or timber-culture laws will be recognized as against any other party seeking title to the tract covered by his settlement.

STATES IN WHICH THERE ARE NO DISTRICT LAND OFFICES.

Any vacant tracts of public land in States in which there are no land offices may, under the act of March 3, 1877 (19 Stat., 315,) "be entered at the General Land Office, subject to the provisions of law touching the entry of public lands, and the necessary proofs and affidavits required in such cases may be made before some officer competent to administer oaths, whose official character shall be duly certified by the clerk of a court of record, and moneys received by the Commissioner of the General Land Office for lands entered by cash entry shall be covered into the Treasury." In carrying into effect the provisions of this act the following method will be observed:

A clerk has been designated by the Commissioner to receive and act upon the applications which may be offered for such entries, and to have charge of the correspondence connected therewith. All moneys received go into the charge of the receiving clerk (designated under section 461 of the Revised Statutes), and any moneys found to belong to the United States on the cases when finally passed upon are turned over to the Treasury according to law.

Applications will be immediately entered in a preliminary abstract for each State in the order in which they are received; will be carefully examined in connection with the plats, files, and records, and admitted or rejected, according to the law and instructions governing the case. From such preliminary abstracts the admitted applications will be carried to a regular monthly abstract, and the proper certificates and receipts will be issued by the Commissioner, acting as *ex officio* register and receiver. The entries thus admitted will be properly posted in the tract-books, and the papers therefor placed on file, for such further action as may be necessary. These entries will be numbered consecutively in continuation of the series entered upon at the respective district offices. The applicants will be promptly advised of the result of the examination, and, where the desired entries are admitted, will be furnished with the appropriate paper, to be held as evidence of title until the delivery of the patents.

In case of conflicting applications, that which is first received will be first acted upon, as above directed, and will be considered as giving the applicant the legal right to the tract applied for, if unexceptionable in other respects.

TIMBER CULTURE.

THE ACT OF MARCH 3, 1873.

The first act "to encourage the growth of timber on the western prairies" was passed March 3, 1873 (17 Stat., 605). It provided that "any person" (not restricting the privilege to heads of families, persons twenty-one years of age, and citizens or those who had declared their intention to become citizens of the United States) might under that act make an entry of not more than a quarter-section of the public land for the purpose of the cultivation of timber thereon. The entryman was required to plant, protect and keep in a healthy growing condition, for ten years, forty acres of timber on the quarter-section entered—the trees not to be more than twelve feet apart each way. Final proof could be made at the expiration of ten years from the date of entry, or at any time within three years thereafter, when the party, or in case of his death his heirs or legal representatives, must prove his or their compliance with the law by two credible witnesses.

THE ACT OF MARCH 13, 1874.

March 13, 1874 (18 Stat., 21), an act was passed amendatory of, and from its date a substitute for, the act of March 3, 1873. This act restricted the privilege of timber-culture entry to citizens of the United States, or persons who had declared their intention to become citizens, and who were heads of families or had arrived at the age of twenty-one years. Forty acres of timber on the quarter-section—and the like proportion in case less than a quarter-section were entered—were required to be planted (not less than twelve feet apart each way), protected, and kept in a growing condition. The party making entry was required to break ten acres of land the first year after the date of the entry, ten acres the second year, and twenty acres the third year; and to plant ten acres of timber the second year, ten acres the third year, and twenty acres the fourth year; or in proportion when the entry was less than a quarter-section. Final proof, substantiated by two credible witnesses to the quantity and character of the timber, could be made at the expiration of eight years from the date of entry, or at any time within five years thereafter. Entries made under the act of March 3, 1873, could be completed and final proof made under the act of March 13, 1874, upon compliance with the provisions of the latter act. In case of the death of a person who had complied with the provisions of the act for three (3) years the heirs or legal representatives had the option to continue the compliance for the remainder of the eight years and to receive patent accordingly, or to receive patent for forty acres outright by relinquishing all claim to the remainder.

AMENDMENT OF MAY 20, 1876.

The act of May 20, 1876 (19 Stat., 54), amendatory of the act of 1874, provided that whenever a party holding a claim or making final proof under said act should prove, by two credible witnesses, that the trees planted and growing on said claim were destroyed by grasshoppers during any one or more years, the time allowed in which to plant the trees and

make final proof should be extended the same number of years as the trees planted were so destroyed. It also provided that the planting of seeds, nuts, and cuttings, when well and properly done, and the ground properly prepared and cultivated, should be considered a compliance with the timber-culture act; and that in case the seeds, nuts, or cuttings planted should not germinate and grow, or should be destroyed by the depredations of grasshoppers, or from other unavoidable accident, the ground should be replanted, or the vacancies filled within one year from the first planting. Parties claiming the benefit of this provision were to prove, by two good and credible witnesses, that the ground was properly prepared and planted, and that the destruction of the seeds, nuts, or cuttings was caused by inevitable accident. Under this act it is not necessary that the planting shall be done in one body, provided the several bodies, not exceeding four in number, aggregate the amount required and in the time required by the original and amended act.

THE ACT OF JUNE 14, 1878.

The act of June 14, 1878 (20 Stat., 113; Appendix No. 16), is amendatory of the act of March 13, 1874, and as to all entries made since June 14, 1878, is a substitute for the prior act. It authorizes heads of families or single persons who have attained the age of twenty-one years, who are citizens of the United States or have declared their intention to become such, and who have made no previous entry under the timber-culture laws, to make entry of not more than one quarter-section—which may be portions of contiguous subdivisions of the same section, provided that such entry shall form a compact body of land. Not more than one quarter of any section shall be thus entered; and no person shall make more than one entry under this act. The land embraced in this application must be exclusively prairie land, or other land devoid of timber. The removal of a natural growth of timber will not render land subject to entry. (*Sellman v. Redding*, 10 Copp, 275.)

Before allowing any entry applied for, the register and receiver will, by a careful examination of the tract and plat books, satisfy themselves that the entry applied for will not conflict with any other entry or entries previously made. They will require the party making application (as per Form 4-009) to file the prescribed affidavit that the entry is made for the cultivation of timber, and for his own exclusive use and benefit, in good faith, and not for the purpose of speculation (Form 4-073). If such affidavit is made before a justice of the peace (which the act permits), his official character and the genuineness of his signature must be certified under seal.

They will require the party to pay the fee and that part of the commission payable at the date of entry, for which the receiver will issue his receipt in duplicate (Form 4-142), giving the party a duplicate receipt. The payments required by law on a timber-culture entry are as follows: For eighty acres or less, fee \$5, to be paid at date of entry; commissions \$4; total \$9. For more than eighty acres, fee \$10 at date of entry; commissions \$4; total \$14. Besides, in each case, \$4 when final proof is made. No other fee, charge, gratuity, or reward is permitted to be paid or received for any services rendered at district land offices in connection with such entries. Fees and commissions in this class of entries the receiver will

account for in the usual manner, indicating the same as fees and commissions on timber-culture entries; and they will be charged against the maximum of \$3,000 now allowed by law.

No distinction is made, as to area or the amount of fee and commissions, between minimum and double-minimum lands. A party may enter 160 acres of either on payment of the prescribed fee and commissions.

The register and receiver will number the entry in its order in a separate series of numbers (unless they have already a series under the acts to which this act is amendatory, in which case they will number the entry as one of that series); they will note the entry on their records and report it in their monthly returns, sending up all the papers therein, with an abstract of the entries allowed during the month under this act.

AMOUNT OF TIMBER TO BE CULTIVATED.

The law requires that five acres on a quarter-section shall be broken or plowed the first year, and five acres the second year. The second year the first five acres must be cultivated to crop or otherwise. The third year the second five acres must be cultivated to crop or otherwise, and the first five acres must be planted in timber, seeds, or cuttings. The fourth year the second five acres must be planted in timber, seeds, or cuttings. Ten acres are thus to be plowed, planted, and cultivated on a quarter-section, and the same proportion when less than a quarter-section is entered. The whole ten acres, or the due proportion thereof, must be prepared and planted within four years from the date of the entry, five acres being prepared the first and second years and planted the third year, and five acres being prepared the second and third years and planted the fourth year. If the trees, seeds, or cuttings are destroyed by grasshoppers or by extreme and unusual droughts, the time of planting may be extended one year for every year of such destruction, upon the filing in the local office of an affidavit by the entryman, corroborated by two witnesses, setting forth the destruction and asking the extension of time provided for by the act.

WHAT KINDS OF TREES CONSTITUTE "TIMBER."

The following classes of trees are recognized as "timber" within the meaning of the law, viz: Ash (including mountain ash or service-tree), alder, basswood, beech, birch, box-elder, black walnut, butternut (otherwise called white walnut), cedar, chestnut, cottonwood, elm, fir, hickory, honeylocust, larch, maple, oak, pine, spruce, sycamore (otherwise called buttonwood or cotton-tree), white willow, whitewood (or tulip-tree); and other trees recognized in the neighborhood as of value for timber, for firewood or domestic use, or for commercial purposes. Fruit trees and shrubbery cannot be classed as "timber," and their cultivation is not sufficient to satisfy the demands of the law.

FINAL PROOF.

Final proof can be made at the expiration of eight years from date of entry, or at any time within five years thereafter. In making final proof it must be shown—

First. That not less than twenty-seven hundred (2,700) trees of the proper character were planted on each acre required to be planted.

Second. That the quantity and character of trees as aforesaid have been cultivated and protected for not less than eight years preceding the time of making proof.

Third. That at the time of making proof there are growing at least six hundred and seventy-five (675) living and thrifty trees to each acre.

Perfect good faith must be shown by claimants. If trees, seeds, or cuttings are destroyed, they must be replanted; and not only must trees be planted, but they must be protected and cultivated in such manner as to promote their growth.

All entries since June 14, 1878, are made under the act of that date. Parties who made entries under any of the former acts may complete the same and make final proof under the act of 1878, upon showing that they have had under cultivation, for at least eight years, the number of acres required by the act of 1878, and at the time of presenting final proof have the number of living and thrifty trees required thereby; but they need not show that they followed the manner of planting prescribed by the later act, if the planting was done in accordance with the requirements of any one of the preceding acts.

In computing the period of cultivation the time runs from the date of entry, if the necessary acts of cultivation were performed within the proper time. The preparation of the land and the planting of trees are acts of cultivation, and the time authorized to be so employed, and actually so employed, is to be computed as a part of the eight years of cultivation required by the statute.

In making final proof the claimant (or, if he be dead, his heirs or legal representatives) must appear in person, with at least two witnesses, at the land office of the district in which the land is situated, and there make the necessary proofs; or the affidavit of the party may be made, and his testimony, and the testimony of his witnesses, given before a judge or clerk of a court of record in such land district.

The officer administering the oath or taking the testimony must certify to the identity and credibility of the party appearing before him.

The proof must set forth, specifically and in detail, all the facts of the case, showing when cultivation was commenced, the acts performed, amount of land plowed, cultivated, and planted, what was done in each year, the total number of trees planted, the total number growing, and their size and condition at date of proof, and any other facts or circumstances material to the case. (Forms 4-093, 4-385, and 4-386.)

The register and receiver will carefully examine the evidence, and, if found sufficient to show that the claimant has fully complied with the law, they will proceed (on payment of the final commissions allowed by law) to issue the final certificate and receipt in the manner prescribed in Forms 4-148 and 4-217.

CONTEST OF TIMBER-CULTURE ENTRY.

If at any time after the filing of said affidavit, and prior to the issue of patent for the land, the claimant shall fail to comply with any of the legal requirements, then, and in that event, such land will be subject to entry under the homestead laws, or by some other person under the provisions of the timber-culture act. But the contestant must file his application to enter, under one or the other of these laws, at the time of initiating contest, or his right to contest will not be recognized by the Government.

When a contestant shall file his application for entry, with the prescribed preliminary affidavit, showing qualifications, &c., the register shall indorse

upon such application the date of its presentation, and make the application and the contestant's affidavit setting forth the grounds of contest the basis for further proceedings, these papers to accompany the report submitting the case to the General Land Office. Should the contest result in the cancellation of the contested entry, the contestant may then perfect his own.

LIABILITY FOR DEBT.

No land acquired under the provisions of the act of June 14, 1878, will in any event become liable to the satisfaction of any debt or debts contracted prior to the issuing of the final certificate therefor.

RELINQUISHMENTS.

The first section of the Act of May 14, 1880 (21 Stat., 140; Appendix No. 18), provides that when a pre-emption, homestead, or timber-culture claimant shall file a written relinquishment of his claim in the land office, the land covered by such claim shall be held as open to settlement and entry without further action on the part of the Commissioner of the General Land Office.

The foregoing portion of this circular has reference to public lands which are *agricultural* in character. There are special laws for the disposal of lands which are unfit for cultivation and valuable chiefly for *timber* or *stone*, of *saline lands*, and of *desert lands*.

TIMBER AND STONE LANDS.

DEFINITION, LOCATION, AND TERMS OF SALE.

Surveyed public lands in California, Oregon, Nevada, and Washington Territory, not included within any military, Indian, or other reservation, which are unfit for cultivation, and consequently for disposal under the homestead or pre-emption laws, non-mineral in character, and which have never been offered at public sale, valuable chiefly for the timber upon them or the stone they contain, may be purchased by citizens of the United States, or persons who have declared their intention to become such, in quantities not exceeding one hundred and sixty acres to any one person or association of persons, at a price of not less than two dollars and fifty cents per acre. (Act of June 3, 1878; 20 Stat., 89; Appendix No. 17.)

QUALIFICATIONS OF APPLICANT AND METHOD OF APPLICATION.

A person applying to purchase a tract under the provisions of this act will be required to make affidavit before the register or receiver that he has made no prior application under this act; that he is by birth or naturalization a citizen of the United States, or has declared his intention to become a citizen. If native born, parole evidence to that fact will be sufficient; if not native born, record evidence of the prescribed qualification must be furnished. In addition, the affidavit must designate by legal subdivisions the tract which the applicant desires to purchase, setting forth its character as above; stating that it is uninhabited, and contains no improvements (except for ditch or canal purposes, if any such exist) save such as were made by and belong to the applicant; that he purchases the land for his

own exclusive use and benefit, and has not made any contract or agreement whereby any title he may acquire thereto shall inure in whole or in part to the benefit of any other person (Form 4-537).

The affidavit must be made in duplicate, one copy thereof to be transmitted to the General Land Office by the register and receiver with their monthly returns.

PUBLICATION OF NOTICE OF APPLICATION.

The register will post notice of the application, embracing a description of the land by legal subdivisions, in his office, for a period of sixty days; and shall furnish the applicant a copy of said notice, at the expense of the applicant, for publication in the newspaper published nearest the location of the land for a like period of time; which, in case of a weekly paper, will necessitate a publication in ten successive issues, since at least sixty days must intervene between the first and the last publication.

At the expiration of the sixty days the applicant must furnish to the register of the land office satisfactory evidence that the notice was duly published as required by law. Such evidence must consist of a copy of the printed notice, and attached thereto the affidavit of the publisher or other person having charge of the newspaper in which the notice was published, setting forth the nature of his connection with the paper, and stating that the notice was duly published for the prescribed period; also giving the dates of the first and last insertions.

PROOF OF THE CHARACTER OF THE LAND.

The applicant must present before the register and receiver proof showing the character of the land to be such as is contemplated by the law—to wit, that it is non-mineral, unoccupied, unimproved, unfit for cultivation, and valuable mainly for the timber (or stone) thereon. Such evidence must consist of the testimony of at least two disinterested witnesses, to the effect that they know the facts to which they testify from inspection of the land and of each of its smallest legal subdivisions (Form 4-371). The testimony may be taken before the register and receiver, or any officer in the district in which the land lies, authorized to administer oaths and using an official seal.

FINAL PROCEEDINGS.

Upon such proof being produced, if no adverse claim shall have been filed, the entry applied for may be allowed in pursuance of the provisions of the act. The receiver will issue his receipt for the purchase money and the register his certificate of purchase, numbering the entry in the regular cash series (Forms 4-001, 4-131, and 4-189). The register and receiver will enter the sale on their books, and make the usual returns therefor to the General Land Office, noting on the monthly abstracts opposite the entry, and on the entry papers, a reference to the act of Congress under which allowed. They will forward all the papers in the case with their returns to the General Land Office, except the retained duplicate statement filed under the second section of the act, to which the register will give the same number with the other papers for the entry, and retain it on the appropriate file with the formal application in his office.

The register and receiver will be entitled to a fee of five dollars each for allowing an entry under said act, and jointly at the rate of twenty-two

cents and a half per hundred words for testimony reduced by them to writing for claimants, which will be accounted for as other fees.

If, at the expiration of the sixty days' notice provided for, an adverse claim should be found to exist calling for an investigation, the register and receiver will allow the parties a hearing according to the rules of practice.

APPLICATION BY AN ASSOCIATION OF PERSONS.

In case of an association of persons making application for such an entry, each of the persons must prove the requisite qualifications, and their names must appear in and be subscribed to the sworn statement, as in case of an individual person. They must also unite in the regular application for entry, which will be made in their joint names as in other cases of joint cash entry. The forms prescribed for cases of applications by individual persons may be adapted for use in applications of this class.

SALINE LANDS.

Congress passed an act January 12, 1877 (19 Stat., 221; Appendix No. 19), providing for the sale of *saline lands* in certain States.

DETERMINATION OF THE CHARACTER OF THE LANDS.

Should *prima facie* evidence that certain tracts are saline in character be filed with the register and receiver of the proper land district, they will designate a time for a hearing at their office, and give notice to all parties in interest, in order that they may have ample opportunity to be present with their witnesses. Such witnesses will be examined in regard to the extent of the saline deposits upon the given tracts, and whether the same are claimed by any person; if so, the names of the claimants and the extent of their improvements must be shown.

The witnesses should be thoroughly examined as to the true character of the land in other respects; its agricultural capacities; what kind of crops, if any, have been raised thereon, or can be raised from land of such character; whether it contains any valuable deposit of mineral of any kind, or of coal. In short, the testimony should be as complete as possible; and in addition to the points indicated above, everything of importance bearing upon the character of the land should be elicited at the hearing.

The testimony taken at the hearing will be transmitted to the General Land Office by the register and receiver, with their opinion thereon. When the case comes before the General Land Office such a decision will be rendered in regard to the character of the land as the facts may warrant.

DISPOSAL OF SALINE LANDS.

Should the tracts be adjudged *saline lands*, the register and receiver will be instructed to offer the same for sale, after public notice, at the local land office of the district in which the same shall be situated, and to sell said tract or tracts to the highest bidder for cash, at a price not less than \$1.25 per acre.

In case said lands should not be sold when so offered, they will be subject to private sale for cash, at a price not less than \$1.25 per acre, in the same manner as other public lands.

Should the tract in question be adjudged agricultural or mineral, it will be subject to disposal as such.

LIMITATION OF THE OPERATIONS OF THE ACT.

The provisions of this act do not apply to any lands within the Territories, nor to any within the States of Mississippi, Louisiana, Florida, California, and Nevada, none of which have had a grant of salines by act of Congress.

DESERT LANDS.

DEFINITION AND LOCATION.

By "desert land" is meant land "which will not, without irrigation, produce some agricultural crop" (section 2 of act of March 3, 1877; 19 Stats., 377; Appendix No. 20). The expression "*some agricultural crop*" does not refer solely to the amount of the crop; it refers also to the kind. If the land will produce "some" crop of a kind and in amount sufficient to make the cultivation reasonably remunerative, it is not desert. Land along streams, or near bodies of water, which, without artificial irrigation, will produce grass sufficient for hay, is not "desert land" within the meaning of the law, and is not subject to desert entry.

Title to desert lands can be acquired, under the restrictions of the law (see 3d section), only in the States of California, Oregon, and Nevada, and the Territories of Washington, Idaho, Montana, Utah, Arizona, New Mexico, Wyoming, and Dakota.

The amount of land which may be entered by any one person under the desert-land law can not exceed one section, or six hundred and forty acres, which must be in compact form. The requirement of compactness will be held to be complied with on surveyed lands when a section, or part thereof, is described by legal subdivisions as nearly in the form of a technical section as the situation of the land and its relation to other lands will admit, although parts of two or more sections may be taken to make up the quantity or equivalent of one section. But entries running along the margin or including both sides of streams, or being continuous merely in the sense of lying in a line so as to form a narrow strip, or in any other way showing a gross departure from all reasonable requirements of compactness, will not be admitted. In no case, where the full quantity of six hundred and forty acres is entered, will the side line on either side be permitted to exceed one mile and a quarter; and less in proportion in case the entry embraces less than a whole section or its equivalent.

METHOD OF ACQUIRING TITLE.

A party desiring to avail himself of the privileges of the desert-land act must file with the register and receiver of the proper district land office a declaration under oath (Form 4-274), which may be executed before either the register or receiver or the clerk of any court of record having a seal. It must be set forth that the applicant is a citizen of the United States, or that he has declared his intention to become such—in which case a duly certified copy of his declaration of intention to become a citizen must be presented and filed. It must also be set up that the applicant has made no other declaration for desert lands under the provisions of this act, and that he intends to reclaim the tract of land applied for by conducting water thereon, within three years from the date of his declaration. The

declaration must also contain a description of the land applied for, by legal subdivisions if surveyed, or if unsurveyed as nearly as possible without a survey by giving, with as much clearness and precision as possible, the locality of the tract with reference to the already established line of survey, or to known and conspicuous landmarks, so as to admit of its being readily identified when the lines of survey come to be extended.

Before the entry can be allowed it must be satisfactorily shown that the land described in the declaration is desert land within the meaning of the law. To this end the testimony of at least two disinterested and credible witnesses is required, which will be reduced to writing in the usual manner; or the evidence may be furnished in the form of affidavits executed before the clerk of any court of record having a seal, the credibility of the witnesses to be certified by said clerk. The witnesses must clearly state their acquaintance with the premises, and the facts as to the condition and situation of the land upon which they base their judgment (Form 4-074). Where the land is situated on the borders of a stream or lake evidence will also be required that the land in its natural state is not productive of hay.

The proof above required having been made to the satisfaction of the district officers, the applicant will pay the receiver the sum of twenty-five cents per acre for the land applied for. The register will receive and file his declaration, and the register and receiver will jointly issue, in duplicate, a certificate (Form 4-199) acknowledging the receipt of the twenty-five cents per acre and the filing of the declaration. One of these duplicates will be delivered to the applicant; the other will be retained by the register and receiver with the declaration and proof. They will bear a number according to the order in which the certificate was issued. The register will keep a record of the certificates issued, showing the number, date, amount paid, name of applicant, and description of the land applied for in each case, and, in addition, he will note the same upon his plats and records as in cases of ordinary entry. At the end of each month he will, with his regular returns, forward to the General Land Office an abstract of the declarations filed and certificates issued under this act during the month, accompanying same with the declarations and proofs filed and the retained copy of certificate in each case. The receiver will also account for the money received under this act in the usual form.

In any case where a declaration shall be filed for a tract on unsurveyed land, the register and receiver will immediately forward a copy of the declaration to the surveyor general in order that the proper survey may be made. The claim must remain a "float" until such survey shall have been made, when the applicant shall be required to take his land in form and limits corresponding to the legal subdivisions.

FINAL PROOF.

At any time within three years after the date of filing the declaration and the issue of certificate, the proper party may make satisfactory proof of having conducted water upon the land applied for in quantity sufficient to accomplish the reclamation of each smallest legal subdivision or portion of forty acres or less. This proof must consist of the testimony of at least two disinterested and credible witnesses, who must appear in person before the register and receiver. They must declare that they have personal

knowledge of the condition of the land applied for, and of the facts to which they testify; and their testimony must be reduced to writing in the usual manner. (See Forms 4-372 and 4-373.)

The final proof having been made to the satisfaction of the district officers, the party will surrender the duplicate certificate issued when the declaration was filed and make an additional payment of one dollar per acre for the land. For this the receiver will receipt in duplicate (Form 4-143), giving the party a duplicate receipt; and the register will issue a final certificate of purchase (Form 4-200).

The register and receiver will give to these final certificates and receipts a special series of numbers, and at the end of each month will make separate abstracts of the same, sending up therewith the final certificates, receipts, and proofs.

EXECUTION AND DELIVERY OF PATENTS.

Patents will be executed in the name of the party making an entry or location, except in cases where the statute expressly recognizes the right of an assignee to take patent in his own name. (See departmental decision of July 27, 1880, in case of *Whittaker v. Sou. Pac. R. R.*, 7 Copp, 85.)

The recitals and description of land in patents will in all cases follow the register's certificate of entry or location, as prescribed by law.

When patents are ready for delivery they will in all cases be transmitted to the local office at which the location or entry was made, where they can be obtained by the party entitled thereto, upon surrender of the duplicate receipt, or certificate, as the case may be, unless the duplicate shall have been previously filed in this office with a request that the patent be delivered as requested by the person sending the same; and in no case will the patent be delivered either from this or the local office except upon receipt of such duplicate, or, in case of its loss from any cause, upon the filing in lieu of the same of an affidavit made by the present *bona fide* owner of the land, accounting for the loss of the same, and also showing ownership of the tracts or a portion thereof embraced in the patent.

REPAYMENTS.

CIRCUMSTANCES UNDER WHICH REPAYMENTS ARE AUTHORIZED.

Section 2362 of the Revised Statutes (Appendix No. 1) provides for the repayment to the purchaser, or his legal representatives or assignees, of any purchase-money, upon proof "that any tract of land has been erroneously sold by the United States, so that from any cause the sale cannot be confirmed."

Section 2 of the act of June 16, 1880 (21 Stat., 287; Appendix No. 21), enlarges the scope of the former act, saying that "in all cases where homestead, or timber-culture, or desert-land entries, or other entries of public lands have been heretofore or shall hereafter be canceled for conflict, or where, from *any cause*, the entry has been erroneously allowed and cannot be confirmed," the amount of purchase-money, fees, and commissions may be repaid.

DEFINITION OF "ERRONEOUSLY ALLOWED."

This cannot be given an interpretation of such latitude as would countenance fraud. If the records of the Land Office, or the proofs furnished, should show that the entry ought not to be permitted, and yet it were permitted, then it would be "erroneously allowed." But if a tract of land were subject to entry, and the proofs showed a compliance with law, and the entry should be canceled because the proofs were shown to be false, it could not be held that the entry was "erroneously allowed;" and in such case repayment would not be authorized.

APPLICATION FOR REPAYMENT OF PURCHASE-MONEY.

In case of applications for repayment where patent has not issued the duplicate receipt must be surrendered. The applicant must also make affidavit that he has not transferred or otherwise encumbered the title to the land, and that said title has not become a matter of record. This affidavit may be made before either the register or receiver of the district land office, or before a notary public or a justice of the peace, or other officer authorized to administer oaths. When made before a notary public or justice of the peace a certificate of official character is required.

If the duplicate receipt has been lost or destroyed the party applying must advertise the fact of such loss, giving notice of his intention to apply for repayment of the purchase-money. This advertisement must be inserted weekly for six weeks in some newspaper of extensive circulation in the vicinity of the land. A copy of the advertisement, with the affidavit of the publisher, or other person having charge of the paper, that it was inserted the requisite number of times, must accompany the papers in the case. Where the duplicate receipt has been lost or destroyed, a certificate will also be required from the proper recording officer showing that the same has not become a matter of record, and that there is no encumbrance of the title to the land thereunder. A like certificate must be furnished when the application is made by another than the original purchaser.

Where a patent has been executed and delivered, it must be surrendered.

Where the title has become a matter of record, and in all cases where patent has issued, a duly executed deed, relinquishing to the United States all right and claim to the land under the entry or patent, must accompany the application. This deed must be duly recorded, and a certificate must also be produced from the proper recording officer where the land is situated, showing that said deed is so recorded, and that the records of his office do not exhibit any other conveyance or encumbrance of the title to the land.

Where a valid title of the land embraced in a canceled entry has been conveyed by the Government to other parties, the applicant for repayment under such canceled entry must reconvey to the United States the title derived from such invalid entry. If, however, the applicant has acquired the valid title already conveyed by the United States, it will not be necessary for him to reconvey the land, but he may make a full statement, with corroborative evidence of the facts, waiving all claim under the invalid entry, and thereupon receive repayment of the amount erroneously paid.

The reconveyance to the United States must conform in every particular to the laws of the State or Territory in which the land is located relative

to transfers of real property; in the case of a married man, there must be a release of dower by the wife; and in case of an executor or administrator, due proof of authority to alienate the estate.

HEIRS, EXECUTORS, AND ADMINISTRATORS.

Where application is made by heirs, satisfactory proof of heirship is required. This must be the best evidence that can be obtained, and must show that the parties applying are the heirs and the only heirs of the deceased. Where application is made by executors, a certificate of executorship from the probate court must accompany the application. Where application is made by administrators, the original or a certified copy of the letters of administration must be furnished.

REPAYMENT OF FEES, COMMISSIONS, AND EXCESSES.

The *first* section of the act (of June 16, 1880, now under consideration) provides for the repayment to *innocent parties* of the fees, commissions, and excess payments made upon soldiers' additional homestead entries which were, after location, found to be fraudulent and void, and have therefore been canceled.

Applications for repayment under this section must be accompanied by the duplicate receipt, or evidence of the loss of the same, and by a concise statement under oath setting forth all the facts and circumstances connected with the procurement and use of the fraudulent papers upon which the canceled entries were based, together with such documentary or other proof as may tend to establish the innocence of the parties relative thereto.

In the case of soldiers' additional homestead entries, repayment of fees, commissions, and excesses can be made only to the party who paid the same—not to a party to whom the claimant conveyed the land.

In the case of applications for the repayment of fees, commissions, &c., on canceled homestead and other entries, under the *second* section of the act, the duplicate receipt must be surrendered, with a relinquishment of all right, title, and claim in and to the land described in the receipt indorsed thereon, attested by two witnesses, and acknowledged before the register and receiver or before any officer authorized to take acknowledgments. If the duplicate receipt has been lost or destroyed an affidavit stating the fact must be furnished, together with a relinquishment of the character indicated. The applicant must make affidavit that he has not made another entry with the credit of the fee and commission paid by him on the canceled entry.

ASSIGNEES.

Assignees, within the meaning of the statute now under consideration, are persons who purchase the land after entry and take assignments of the title under such entry. To construe said statutes so as to recognize the assignment or transfer of the mere claim against the United States for repayment of purchase-money, or fees and commissions, disconnected from a sale of the land or attempted transfer of title thereto, would be against the settled policy of the Government and repugnant to section 3477 of the Revised Statutes, prescribing the manner in which assignment of claims must be made in order that they shall be recognized by the Government as valid.

Where applications are made by assignees, the applicants must show their right to repayment by furnishing properly authenticated abstracts of title, or the original deeds or instruments of assignment, or certified copies thereof, and also show by affidavits or otherwise that they have not been indemnified by their grantors or assignors for the failure of title, and that title has not been perfected in them by their grantors through other sources.

Where there has been a conveyance of the land and the original purchaser applies for repayment, he must show that he has indemnified his assignee or perfected the title in him through another source, or produce a full reconveyance to himself from the last grantee or assignee.

REPAYMENT OF DOUBLE-MINIMUM EXCESS.

The last clause of section 2 of the act under consideration provides that "in all cases where parties have paid double-minimum price for land which has afterward been found not to be within the limits of a railroad land grant, the excess of one dollar and twenty-five cents per acre shall in like manner be repaid to the purchaser thereof, or to the heirs or assigns." In such cases the duplicate receipt must be surrendered; or if lost or destroyed, an affidavit stating that fact must accompany the application.

TRANSMITTAL OF APPLICATIONS.

All applications for repayment under the above provisions must be made in writing and be signed by the party applying, and must describe the tract or otherwise designate the entry with certainty. They should be transmitted, with all the papers in the case, through the register and receiver of the proper district land office, who will make due report thereon.

APPEALS.

Any person making application to file upon or enter a tract of public land, having complied with the law and regulations touching the presentation of such applications, and feeling aggrieved by the refusal of the register and receiver to recognize his claim, or by any order, direction, or condition affecting the same, may appeal from the action of those officers to the Commissioner of the General Land Office, who is by law invested with the supervision and control of all matters relating to the disposal of the public lands, subject to the direction of the Secretary of the Interior. (Sections 453 and 2478, Rev. Stat.)

MANNER OF MAKING AN APPEAL.

For the purpose of enabling such appeal to be taken and perfected, the register and receiver will indorse upon the written application the date when presented and their reasons for refusing it, promptly advising the party in interest of the facts, and noting upon their records a memorandum of the transaction. The party aggrieved will be allowed thirty days from the receipt of notice of such action within which to file his appeal to the Commissioner. When such notice is sent through the mails, five days will be allowed for the transmission of the notice, and other five days for

the transmission of the appeal, making forty days in all from the issue of notice in which to place the appeal on file in the district land office. The appeal must be in writing, definitely setting forth in clear and concise terms the specific points of exception to the decision appealed from, and the reason or reasons upon which such exceptions are based. The register and receiver will at once transmit the appeal to the General Land Office. No appeal from the decision of the local land office will be received at the General Land Office unless forwarded through the local officers in the manner herein prescribed.

REPORT OF REGISTER AND RECEIVER.

The appeal should be accompanied by a report upon the case by the register and receiver. This report should recite the proceedings had, to wit: The application and rejection, with the reasons therefor, the status of the tract involved, as shown by the records of the office, together with a reference to all entries, filings, annotations, memoranda, and correspondence shown by such record relating thereto, so as to direct the attention of the Commissioner to all the material facts and issues necessary to a proper determination of the questions presented.

The report should be forwarded at once upon the filing of the appeal, except in contested cases after regular hearing, when, unless all parties request its earlier transmission, it should not be made until the expiration of the thirty days included in the notice, in order that all parties may have full opportunity to examine the record and prepare their argument upon the questions at issue.

All documents once received must be kept on file with the cases, and no papers will be allowed under any circumstances to be removed from such files or taken from the custody of the register and receiver; but access to the same under proper rules, so as not to interfere with necessary public business, should be permitted to the parties in interest, under the supervision of those officers.

ACTION OF GENERAL LAND OFFICE.

Of the sufficiency of such appeal the General Land Office will be the judge, and will dismiss from further notice any case wherein the appeal is based upon frivolous grounds, or where the proper formalities are wanting, unless, either in the record of the case or upon the books of this office, some sufficient cause shall be found for further consideration under the general power of supervision vested in the Commissioner by law.

APPEAL FROM THE GENERAL LAND OFFICE.

Upon any question relating to the disposal of the public lands, appeal from the decision of the Commissioner of the General Land Office will lie to the Secretary of the Interior (Rev. Stat., sections 441, 2273; Appendix No. 1), except in cases of interlocutory orders and decisions and orders for hearing, or other matters resting in the sound discretion of the Commissioner. These cases constitute matters of exception, which should be noted, and they will be considered by the Secretary on review.

The appeal is required to be made in writing, fairly and specifically stating the points of exception to the decision appealed from, and must be

filed either with the register and receiver for transmission, or with the Commissioner, within sixty days from receipt, by the party or his attorney, of the notice of the decision. When notice is given through the mail by the register and receiver, five days are allowed for the transmission of the letter from the local land office, and five days for the return of the appeal through the same channel, making a total of seventy days from date of mailing.

After appeal is filed, the fact of its receipt and pendency will be promptly communicated to the district office and to the parties, and thirty days from service of such notice will be allowed for the filing of argument on the points involved in the controversy. At the expiration of the time prescribed the papers and record will be forwarded to the Secretary of the Interior. All arguments shall be filed with the Commissioner within the time specified in the notice in order that they may be referred to and considered in transmitting the case to the Secretary, if deemed expedient by the Commissioner. Examination of cases on appeal to the Secretary will be facilitated by filing in printed form such argument as it is desired to have considered.

Decisions of the Commissioner not appealed from within the period prescribed become final, and the case will be regularly closed. (Rev. Stat., section 2273.)

The decision of the Secretary is necessarily final, so far as respects the action of the Executive.

The minor details of the manner of proceeding in cases of contest before the Commissioner of the General Land Office and the Secretary of the Interior, for the information and guidance more especially of land officers and attorneys, may be found set forth in a separate pamphlet of "Rules of Practice."

THE BOARD OF EQUITABLE ADJUDICATION.

The board of equitable adjudication is established and its powers defined by sections 2450 to 2457 of the Revised Statutes (Appendix No. 1), amended by act of February 27, 1877. It consists of the Secretary of the Interior, the Attorney General, and the Commissioner of the General Land Office, and is authorized "to decide upon principles of equity and justice

* * * all cases of suspended entries of public lands * * * and to adjudge in what cases patents shall issue upon the same." The board has no power to adjudicate adverse claims between contesting parties, but only between the United States and claimants, in cases where the law has been substantially complied with, but where error or informality has arisen from ignorance, accident, or mistake which is satisfactorily explained.

This board is a tribunal of special and limited jurisdiction, outside of which it has no authority, but inside of which it is exclusive. No appeal lies from its decisions, nor are they subject to review by any other tribunal.

(For the Rules and Regulations of the Board of Equitable Adjudication, see Appendix No. 22.)

DUTIES OF REGISTERS AND RECEIVERS.

The duties of registers and receivers in many cases connected with the administration of the laws regarding public lands have already been incidently set forth.

In addition thereto they will observe the following :

REGULAR ATTENDANCE AT OFFICE.

They will be in attendance regularly at their office, keeping the same open for the transaction of business from 9 o'clock a. m. till 4 o'clock p. m., and giving all proper information and facilities to persons applying therefor.

COMMISSIONS, FEES, AND SALARY.

They are prohibited from making any charge for their services other than such as are provided for by law. (Sections 2238, 2239, and 2246, Rev. Stat.; 21 Stat., 141 ; Appendix No. 18 ; and act of March 3, 1883 ; Appendix No. 22.)

But the fees allowed them for testimony reduced to writing by them for claimants (paragraphs 10 and 11 of Sec. 2238, Rev. Stat.), and for furnishing plats or diagrams of townships, showing what lands therein are vacant and what are taken, and for furnishing lists of lands sold and remaining unsold, shall not be taken into account in estimating the maximum of compensation. (Act of March 3, 1883 ; Appendix No. 22.)

MONTHLY REPORTS.

Within three days from the close of each month they must make out and transmit to the General Land Office a statement of the business of their respective offices for the preceding month.

These reports are in the form of abstracts of pre-emption declarations and of soldiers' declarations filed, abstracts of lands sold, abstracts of homesteads entered, abstracts of timber-culture entries allowed, abstracts of military bounty land warrants and of agricultural college scrip located, accompanied by the certificates of purchase, receivers' receipts, homestead and timber-culture applications and affidavits, military bounty land warrants and agricultural college scrip surrendered as satisfied, and the certificates of location thereof ; also of all other forms of entry or location requiring separate returns. Names of parties must be clearly and legibly written in these papers to correspond with the signature to every application ; and when spelled in two or more ways, or illegibly written by the person signing, the register must ascertain by proper inquiry the correct orthography, and certify to the same upon the margin of the certificate.

The abstracts, after being carefully examined by the register and receiver, are to be certified by them as correct and as in conformity with the papers in the entries or locations embraced therein and with their records, which papers, abstracts, and records must agree with each other.

MONTHLY AND QUARTERLY STATEMENT OF ACCOUNTS.

The receiver is required to render promptly, to the Commissioner of the General Land Office and to the Secretary of the Treasury, a monthly

account of all moneys received, showing the balance due the Government at the close of each month; and at the end of every *quarter* he must also transmit a quarterly account. (Sec. 2245, Rev. Stat.; Appendix No. 1.)

He is required to deposit the moneys received by him at some depository designated by the Secretary of the Treasury, when the amount on hand shall have reached the sum of *one thousand dollars*; and in no case is he authorized, without special instructions, to hold a larger amount in his hands.

Laws and instructions relating to Mining Claims, Bounty Lands, Railroad Adjustments, Town-sites, Timber Depredations, and other special matters, form the subject of separate circulars.

N. C. McFARLAND,
Commissioner of the General Land Office.

Approved:

H. M. TELLER,
Secretary of the Interior.

REVISED STATUTES OF THE UNITED STATES.

COMMISSIONER OF THE GENERAL LAND OFFICE.

SEC. 453. The Commissioner of the General Land-Office shall perform, under the direction of the Secretary of the Interior, all executive duties appertaining to the surveying and sale of the public lands of the United States, or in anywise respecting such public lands, and, also, such as relate to private claims of land, and the issuing of patents for all agents [grants] of land under the authority of the Government.

Duties of Commissioner.
25 April, 1812, c. 68, s. 1, v. 2, p. 716.
4 July, 1836, c. 352, s. 1, v. 3, p. 107.

* * * * *

REGISTERS AND RECEIVERS.

SECTION 2234. There shall be appointed by the President, by and with the advice and consent of the Senate, a register of the land-office and a receiver of public moneys, for each land-district established by law.

Appointment of registers and receivers.
See all acts establishing land-districts.

SEC. 2235. Every register and receiver shall reside at the place where the land-office for which he is appointed is directed by law to be kept.

Residence of register and receiver.
See all acts establishing land-districts.

SEC. 2236. Every register and receiver shall, before entering on the duties of his office, give bond in the penal sum of ten thousand dollars, with approved security for the faithful discharge of his trust.

Bond of register and receiver.
10 May, 1800, c. 55, ss. 1, 6, v. 2, pp. 73, 75. 3 March, 1853, c. 143, s. 3, v. 10, p. 245.

SEC. 2237. Every register and receiver shall be allowed an annual salary of five hundred dollars.

Salaries of register and receiver.
30 May, 1862, c. 86, s. 6, v. 12, p. 409. 20 April, 1818, c. 123, v. 3, p. 466.

SEC. 2238. Registers and receivers, in addition to their salaries, shall be allowed each the following fees and commissions, namely:

Fees and commissions of register and receiver.
4 Sept., 1841, c. 16, s. 12, v. 5, p. 456. 21 Mar., 1864, c. 33, s. 4, v. 13, p. 35.

First. A fee of one dollar for each declaratory statement filed, and for services in acting on pre-emption claims.

Second. A commission of one per centum on all moneys received at each receiver's office.

20 April, 1818, c. 123, v. 3, p. 466.

Third. A commission to be paid by the homestead applicant, at the time of entry, of one per centum on the cash price, as fixed by law, of the land applied for; and a like commission when the claim is finally established, and the certificate therefor issued as the basis of a patent.

21 March, 1864, c. 33, s. 2, v. 13, p. 35. 20 May, 1862, c. 75, s. 6, v. 12, p. 393. 15 July, 1870, c. 294, s. 25, v. 16, p. 320.

Fourth. The same commission on lands entered under any law to encourage the growth of timber on western prairies, as allowed when the like quantity of land is entered with money.*

3 March, 1873, c. 277, s. 6, v. 17, p. 606.

Fifth. For locating military bounty-land warrants issued since the eleventh day of February, eighteen

22 March, 1852, c. 19, s. 2, v. 10, p. 4. 2 July, 1862, c. 130, s. 7, v. 12, p. 505.

* This clause was superseded by act of March 13, 1874, (18 Stats., 21,) which was in turn superseded by act of June 14, 1878, (20 Stats., 113; Appendix No. 15,) as interpreted by the decision of the First Comptroller, (Copp's Land Owner, vol. ix, p. 240.) See also act of March 3, 1883, (Appendix No. 21.)

hundred and forty-seven, and for locating agricultural college land-scrip, the same commission to be paid by the holder or assignee of each warrant or scrip, as is allowed for sales of the public lands for cash, at the rate of one dollar and twenty-five cents per acre.

30 May, 1862, c. 86, s. 6, v. 12, p. 409.

Sixth. A fee, in donation cases, of five dollars for each final certificate for one hundred and sixty acres of land; ten dollars for three hundred and twenty acres; and fifteen dollars for six hundred and forty acres.

1 July, 1864, c. 196, s. 1, v. 13, p. 335.

Seventh. In the location of lands by States and corporations under grants from Congress for railroads and other purposes, (except for agricultural colleges,) a fee of one dollar for each final location of one hundred and sixty acres; to be paid by the State or corporation making such location.

24 April, 1820, c. 51, s. 5, v. 3, p. 567.

Eighth. A fee of five dollars per diem for superintending public-land sales at their respective offices; [and to each receiver, mileage in going to and returning from depositing the public moneys received by him.]*

10 May, 1872, c. 152, s. 12, v. 17, p. 95.

Ninth. A fee of five dollars for filing and acting upon each application for patent or adverse claim filed for mineral lands, to be paid by the respective parties.

21 March, 1864, c. 38, s. 4, v. 13, p. 35.

Tenth. Registers and receivers are allowed, jointly, at the rate of fifteen cents per hundred words for testimony reduced by them to writing for claimants, in establishing pre-emption and homestead rights.

10 May, 1872, c. 152, s. 12, v. 17, p. 95.

Eleventh. A like fee as provided in the preceding subdivision when such writing is done in the land-office, in establishing claims for mineral lands.

21 March, 1864, c. 38, s. 6, v. 13, p. 36, and several acts establishing land offices for Utah, Wyoming, and Montana.

Twelfth. Registers and receivers in California, Oregon, Washington, Nevada, Colorado, Idaho, New Mexico, Arizona, Utah, Wyoming, and Montana, are each entitled to collect and receive fifty per centum on the fees and commissions provided for in the first, third, and tenth subdivisions of this section.

Fees of register and receiver for consolidated land offices.

18 Feb., 1861, c. 33, ss. 1, 3, v. 12, p. 131.

SEC. 2239. The register for any consolidated land-district, in addition to the fees now allowed by law, shall be entitled to charge and receive for making transcripts for individuals, or furnishing any other record information respecting public lands or land-titles in his consolidated land-district, such fees as are properly authorized by the tariff existing in the local courts of his district; and the receiver shall receive his equal share of such fees, and it shall be his duty to aid the register in the preparation of the transcripts, or giving the desired record information.

Maximum of compensation for registers and receivers.

21 March, 1864, c. 33, s. 6, v. 13, p. 36. 20 April, 1818, c. 123, v. 3, p. 466. 20 May, 1862, c. 75, s. 6, v. 12, p. 393. 30 May, 1862, c. 86, s. 6, v. 12, p. 409. 1 July, 1864, c. 196, s. 1, v. 13, p. 335. 22 March, 1852, c. 19, s. 3, v. 10, p. 4. 2 July, 1862, c. 130, s. 7, v. 12, p. 505. 2 Feb., 1859, c. 19, v. 11, p. 378. 18 Feb., 1861, c. 33, ss. 1, 3, v. 12, p. 131.—U. S. vs. Babbit, 1 Bl., 55.

SEC. 2240. The compensation of registers and receivers, including salary, fees, and commissions, shall in no case exceed in the aggregate three thousand dollars a year each; and no register or receiver shall receive for any one quarter or fractional quarter more than a pro-rata allowance of such maximum.†

* Part in brackets repealed. Actual expenses only allowed. Act June 16, 1874, Stats., vol. 18, p. 72.

† See note at foot of the preceding page.

SEC. 2241. Whenever the amount of compensation received at any land-office exceeds the maximum allowed by law to any register or receiver, the excess shall be paid into the Treasury, as other public moneys.

Excess of compensation to be paid into Treasury.
3 March, 1853, c. 97, s. 1, v. 10, p. 204. 13 Feb., 1861, c. 38, ss. 1, 3, v. 12, p. 131.

SEC. 2242. No register or receiver shall receive any compensation out of the Treasury for past services who has charged or received illegal fees; and, on satisfactory proof that either of such officers has charged or received fees or other rewards not authorized by law, he shall be forthwith removed from office.

Illegal fees; Penalty.
22 March, 1852, c. 19, s. 3, v. 10, p. 4. 17 July, 1854, c. 84, s. 6, v. 10, p. 306.

SEC. 2243. The compensation of registers and receivers, both for salary and commissions, shall commence and be calculated from the time they, respectively, enter on the discharge of their duties.

Compensation of registers and receivers, when to commence.
24 Feb., 1855, c. 124, s. 3, v. 10, p. 615.

SEC. 2244. All registers and receivers shall be appointed for the term of four years, but shall be removable at pleasure.

Duration of office of registers and receivers.
15 May, 1820, c. 102, s. 1, v. 3, p. 582.

SEC. 2245. The receivers shall make to the Secretary of the Treasury monthly returns of the moneys received in their several offices, and pay over such money pursuant to his instructions. And they shall also make to the Commissioner of the General Land-Office like monthly returns, and transmit to him quarterly accounts-current of the debits and credits of their several offices with the United States.

Monthly and quarterly returns of receivers.
4 July, 1836, c. 352, s. 9, v. 5, p. 111.

SEC. 2246. The register or receiver is authorized, and it shall be their duty, to administer any oath required by law or the instructions of the General Land-Office, in connection with the entry or purchase of any tract of the public lands; but he shall not charge or receive, directly or indirectly, any compensation for administering such oath.

Oath administered by registers and receivers.
12 June, 1840, c. 35, v. 5, p. 384.

SEC. 2247. If any person applies to any register to enter any land whatever, and the register knowingly and falsely informs the person so applying that the same has already been entered, and refuses to permit the person so applying to enter the same, such register shall be liable therefor to the person so applying, for \$5 for each acre of land which the person so applying offered to enter, to be recovered by action of debt in any court of record having jurisdiction of the amount.

Penalty for false information by register.
4 July, 1836, c. 352, s. 13, v. 5, p. 112.

* * * * *

PRE-EMPTIONS.

SEC. 2257. All lands belonging to the United States, to which the Indian title has been or may hereafter be extinguished, shall be subject to the right of pre-emption, under the conditions, restrictions, and stipulations provided by law.

Lands subject to pre-emption.
2 June, 1862, c. 94, s. 1, v. 12, p. 413.

SEC. 2258. The following classes of lands, unless otherwise specially provided for by law, shall not be subject to the rights of pre-emption, to-wit:

Lands not subject to pre-emption.
4 Sept., 1841, c. 16, s. 10, v. 5, p. 455.

First. Lands included in any reservation by any treaty, law, or proclamation of the President, for any purpose.

Wilcox vs. Jackson, 13 Pet., 498; *Joseph vs. U. S.*, 1 N. and H., 197; *Turner vs. American Baptist Union*, 5 McLean, 344; *U. S. vs. Railroad Bridge Co.*, 6 McLean, 517; *Russell vs. Beebe*, Hamps., 704.

Second. Lands included within the limits of any incorporated town, or selected as the site of a city or town.

Third. Lands actually settled and occupied for purposes of trade and business, and not for agriculture.

Fourth. Lands on which are situated any known salines or mines.

Persons entitled to pre-emption.
4 Sept., 1841, c. 16, s. 10, v. 5, p. 455.

U. S. vs. Fitzgerald, 15 Pet., 407; *Lytle vs. Arkansas*, 9 How., 333; *Cunningham vs. Ashley*, 14 How., 377; *Barnard's Heirs vs. Ashley's Heirs*, 18 How., 41; *Garland vs. Wynn*, 20 How., 6; *Harkness vs. Underhill*, 1 Bl., 325; *Witherspoon vs. Duncan*, 4 Wall., 218.

SEC. 2259. Every person, being the head of a family, or widow, or single person, over the age of twenty-one years, and a citizen of the United States, or having filed a declaration of intention to become such, as required by the naturalization laws, who has made, or hereafter makes, a settlement in person on the public lands subject to pre-emption, and who inhabits and improves the same, and who has erected or shall erect a dwelling thereon, is authorized to enter with the register of the land-office for the district in which such land lies, by legal subdivisions, any number of acres not exceeding 160, or a quarter section of land, to include the residence of such claimant, upon paying to the United States the minimum price of such land.

Persons not entitled to pre-emption.
4 Sept., 1841, c. 16, s. 10, v. 5, p. 455.

SEC. 2260. The following classes of persons, unless otherwise specially provided for by law, shall not acquire any right of pre-emption under the provisions of the preceding sections, to-wit:

First. No person who is the proprietor of 320 acres of land in any State or Territory.

Second. No person who quits or abandons his residence on his own land to reside on the public land in the same State or Territory.

Limitation of pre-emption right.
4 Sept., 1841, c. 16, s. 10, v. 5, p. 455. 3 March, 1843, c. 86, s. 4, v. 5, p. 620.

SEC. 2261. No person shall be entitled to more than one pre-emptive right by virtue of the provisions of section 2259; nor where a party has filed his declaration of intention to claim the benefits of such provisions, for one tract of land, shall he file, at any future time, a second declaration for another tract.

Oath of pre-emptionist, where filed, penalty.
4 Sept., 1841, c. 16, s. 13, v. 5, p. 456.

SEC. 2262. Before any person claiming the benefit of this chapter is allowed to enter lands, he shall make oath before the receiver or register* of the land-district in which the land is situated that he has never had the benefit of any right of pre-emption under section 2259; that he is not the owner of 320 acres of land in any State or Territory; that he has not settled upon and improved such land to sell the same on speculation, but in good faith to appropriate it to his own exclusive use; and that he has not, directly or indirectly, made any agreement or contract, in any way or manner, with any person whatever, by which the title which he might acquire from the Government of the United States should inure in whole or in part to the benefit of any person except himself; and if any person taking such oath swears falsely in the premises, he shall forfeit the money which he may have paid for such land, and all right and title to the same; and any grant or conveyance which he may have made, except in the hands of bona fide purchasers, for a valuable consideration, shall be null and void, except as provided in section 2288. And it shall be the duty of the officer administering such oath to file a certificate thereof in the public land-office of such district, and to transmit a duplicate

* Amended by act of June 9, 1880, (21 Stats., 169; Appendix No. 4.)

copy to the General Land-Office, either of which shall be good and sufficient evidence that such oath was administered according to law.

SEC. 2263. Prior to any entries being made under and by virtue of the provisions of section 2259, proof of the settlement and improvement thereby required shall be made to the satisfaction of the register and receiver of the land-district in which such lands lie, agreeably to such rules as may be prescribed by the Secretary of the Interior; and all assignments and transfers of the right hereby secured, prior to the issuing of the patent, shall be null and void.

Proof of settlement; assignment of pre-emption rights.

4 Sept., 1841, c. 16, s. 12, v. 5, p. 456.

Lytle vs. Arkansas, 9 How., 333; *Cunningham vs. Ashley*, 14 How., 377; *Barnard's Heirs vs. Ashley's Heirs*, 18 How., 44; *Gurland vs. Wynn*, 20 How., 6; *Lytle vs. Arkansas*, 22 How., 193; *Harkness vs. Underhill*, 1 Bl., 325; *Lindsey vs. Hawse*, 2 Bl., 554; *Myers vs. Croft*, 13 Wall., 291.

SEC. 2264. When any person settles or improves a tract of land subject at the time of settlement to private entry, and intends to purchase the same under the preceding provisions of this chapter, he shall, within thirty days after the date of such settlement, file with the register of the proper district a written statement, describing the land settled upon, and declaring his intention to claim the same under the pre-emption laws; and he shall, moreover, within twelve months after the date of such settlement, make the proof, affidavit, and payment hereinbefore required. If he fails to file such written statement, or to make such affidavit, proof, and payment within the several periods named above, the tract of land so settled and improved shall be subject to the entry of any other purchaser.

Statement to be filed by settler with intent to purchase, on lands subject to private entry.

4 Sept., 1841, c. 16, s. 15, v. 5, p. 457.

SEC. 2265. Every claimant under the pre-emption law for land not yet proclaimed for sale is required to make known his claim in writing to the register of the proper land-office within three months from the time of the settlement, giving the designation of the tract and the time of settlement; otherwise his claim shall be forfeited and the tract awarded to the next settler, in the order of time, on the same tract of land, who has given such notice and otherwise complied with the conditions of the law.

Claim filed by settler on land not proclaimed for sale.

3 March, 1843, c. 86, s. 3, v. 5, p. 620.

Johnson vs. Tawsley, 13 Wall., 72.

SEC. 2266. In regard to settlements which are authorized upon unsurveyed lands, the pre-emption claimant shall be in all cases required to file his declaratory statement within three months from the date of the receipt at the district land-office of the approved plat of the township embracing such pre-emption settlement.

Declaratory statement of settlers on unsurveyed land when filed.

30 May, 1862, c. 86, s. 7, v. 12, p. 410.

SEC. 2267. All claimants of pre-emption rights, under the two preceding sections, shall, when no shorter time is prescribed by law, make the proper proof and payment for the land claimed within thirty months after the date prescribed therein, respectively, for filing their declaratory notices, has expired.

Pre-emption claimants; time of making proof and payment.

14 July, 1870, c. 272, s. 2, v. 16, p. 279. 3 March, 1871, Res. 52, v. 16, p. 601.

SEC. 2268. Where a pre-emptor has taken the initiatory steps required by law in regard to actual settlement, and is called away from such settlement by being engaged in the military or naval service of the United States, and by reason of such absence is unable to appear at the district land-office to make before the register or receiver the affidavit, proof, and payment, respectively, required by the preceding provisions of this chapter, the time for filing such affidavit and making final proof and entry or location shall be extended six months after the expiration of his term of service, upon satisfactory proof by affidavit, or the testimony of witnesses, that such pre-emptor is so in the service,

Extension of time in certain cases to persons in military and naval service.

21 March, 1864, c. 38, s. 5, v. 13, p. 35.

being filed with the register of the land-office for the district in which his settlement is made.

Death before consummating claim; who to complete, &c.
3 March, 1843, c. 36, s. 2, v. 5, p. 620.

SEC. 2269. Where a party entitled to claim the benefits of the pre-emption laws dies before consummating his claim, by filing in due time all the papers essential to the establishment of the same, it shall be competent for the executor or administrator of the estate of such party, or one of his heirs, to file the necessary papers to complete the same; but the entry in such cases shall be made in favor of the heirs of the deceased pre-emptor, and a patent thereon, shall cause the title to inure to such heirs, as if their names had been specially mentioned.

Non-compliance with laws caused by vacancy in office of register or receiver not to affect, &c.
3 March, 1843, c. 86, s. 6, v. 5, p. 620.

SEC. 2270. Whenever the vacancy of the office either of register or receiver, or of both, renders it impossible for the claimant to comply with any requisition of the pre-emption laws within the appointed time, such vacancy shall not operate to the detriment of the party claiming, in respect to any matter essential to the establishment of his claim; but such requisition must be complied with within the same period after the disability is removed as would have been allowed had such disability not existed.

No pre-emption of lands sold but not confirmed by Land-Office.
26 Aug., 1842, c. 205, v. 5, p. 534.

SEC. 2271. The provisions of this chapter shall be so construed as not to confer on any one a right of pre-emption, by reason of a settlement made on a tract theretofore disposed of, when such disposal has not been confirmed by the General Land-Office, on account of any alleged defect therein.

Purchase by private entry after expiration of pre-emption right.
3 March, 1843, c. 86, s. 9, v. 5, p. 621.

SEC. 2272. Nothing in the provisions of this chapter shall be construed to preclude any person, who may have filed a notice of intention to claim any tract of land by pre-emption, from the right allowed by law to others to purchase such tract by private entry after the expiration of the right of pre-emption.

When more than one settler, rights of, appeals to Commissioner.
4 Sept., 1841, c. 16, s. 11, v. 5, p. 456; 12 June, 1858, c. 154, s. 10, v. 11, p. 316.
Barnard vs. Ashley, 18 How., 43; Garland vs. Wynn, 20 How., 6; Lindsey vs. Hawse, 2 Bl. 554; Minnesota vs. Batchelder, 1 Wall., 109; Johnson vs. Tawsley, 13 Wall., 72.

SEC. 2273. When two or more persons settle on the same tract of land, the right of pre-emption shall be in him who made the first settlement, provided such person conforms to the other provision of the law; and all questions as to the right of pre-emption arising between different settlers shall be determined by the register and receiver of the district within which the land is situated; and appeals from the decision of district officers, in cases of contest for the right of pre-emption, shall be made to the Commissioner of the General Land-Office, whose decision shall be final, unless appeal therefrom be taken to the Secretary of the Interior.

Settlements of two or more persons on same subdivision before survey.
3 March, 1873, c. 283, s. 1, v. 17, p. 609.

SEC. 2274. When settlements have been made upon agricultural public lands of the United States prior to the survey thereof, and it has been or shall be ascertained, after the public surveys have been extended over such lands, that two or more settlers have improvements upon the same legal subdivision, it shall be lawful for such settlers to make joint entry of their lands at the local land-office, or for either of said settlers to enter into contract with his co-settlers to convey to them their portion of said land after a patent is issued to him, and, after making such contract, to file a declaratory statement in his own name, and prove up and pay for said land, and proof of joint occupation by himself and others, and of such contract with them

made, shall be equivalent to proof of sole occupation and pre-emption by the applicant: *Provided*, That in no case shall the amount patented under this section exceed one hundred and sixty acres, nor shall this section apply to lands not subject to homestead or pre-emption entry.

SEC. 2275. Where settlements, with a view to pre-emption, have been made before the survey of the lands in the field, which are found to have been made on sections sixteen or thirty-six, those sections shall be subject to the pre-emption claim of such settler; and if they, or either of them, have been or shall be reserved or pledged for the use of schools or colleges in the State or Territory in which the lands lie, other lands of like quantity are appropriated in lieu of such as may be patented by pre-emptors; and other lands are also appropriated to compensate deficiencies for school purposes, where sections sixteen or thirty-six are fractional in quantity, or where one or both are wanting by reason of the township being fractional, or from any natural cause whatever.

SEC. 2276. The lands appropriated by the preceding section shall be selected, within the same land-district, in accordance with the following principles of adjustment, to-wit: For each township or fractional township containing a greater quantity of land than three-quarters of an entire township, one section; for a fractional township containing a greater quantity of land than one-half, and not more than three-quarters, of a township, three-quarters of a section; for a fractional township containing a greater quantity of land than one-quarter, and not more than one-half, of a township, one-half section; and for a fractional township containing a greater quantity of land than one entire section, and not more than one-quarter, of a township, one quarter section of land.

SEC. 2277. All warrants for military bounty-lands, which are issued under any law of the United States, shall be received in payment of pre-emption rights at the rate of one dollar and twenty-five cents per acre, for the quantity of land therein specified; but where the land is rated at one dollar and twenty-five cents per acre, and does not exceed the area specified in the warrant, it must be taken in full satisfaction thereof.

SEC. 2278. Agricultural-college scrip, issued to any State under the act approved July second, eighteen hundred and sixty-two, or acts amendatory thereof, shall be received from actual settlers in payment of pre-emption claims in the same manner and to the same extent as authorized in case of military bounty-land warrants, by the preceding section.

SEC. 2279. No person shall have the right of pre-emption to more than one hundred and sixty acres along the line of railroads within the limits granted by any act of Congress.

SEC. 2280. Any settler on lands heretofore reserved on account of claims under French, Spanish, or other grants, which have been or may be hereafter declared by the Supreme Court of the United States to be invalid, shall be entitled to all the rights of pre-emption granted by the preceding provisions of this chapter, after the lands have been released from reservation, in the same manner as if no reservation had existed.

Settlements before survey on sections 16 or 36, deficiencies thereof.
26 Feb., 1859, c. 58, v. 11, p. 385.

Selections to supply deficiencies of school lands.
26 Feb., 1859, c. 58, v. 11, p. 385. 20 May, 1826, c. 83, s. 1, v. 4, p. 179.

Military bounty-land warrants receivable for pre-emption payments.
22 March, 1852, c. 19, s. 1, v. 10, p. 3.

Agricultural-college scrip receivable in payment of pre-emptions.
1 July, 1870, c. 196, v. 16, p. 186.

Pre-emption limit along railroad lines.
3 March, 1853, c. 143, v. 10, p. 244.

Pre-emption rights on lands received for grants found invalid.
3 March, 1853, c. 143, v. 10, p. 244.

Pre-emption rights on lands reserved for railroads.

27 March, 1854, c. 25, v. 10, p. 269. 14 July, 1870, c. 272, s. 2, v. 16, p. 279.

SEC. 2281. All settlers on public lands which have been or may be withdrawn from market in consequence of proposed railroads, and who had settled thereon prior to such withdrawal, shall be entitled to pre-emption at the ordinary minimum to the lands settled on and cultivated by them; but they shall file the proper notices of their claims and make proof and payment as in other cases.

Sale of land not to be delayed, &c.

4 Sept., 1841, c. 16, s. 14, v. 5, p. 457.

SEC. 2282. Nothing contained in this chapter shall delay the sale of any of the public lands beyond the time appointed by the proclamation of the President.

Certain lands in Kansas, how to be sold.

9 May, 1872, c. 149, s. 1, v. 17, p. 90.

SEC. 2283. The Osage Indian trust and diminished-reserve lands in the State of Kansas, excepting the sixteenth and thirty-sixth sections in each township, shall be subject to disposal, for cash only, to actual settlers, in quantities not exceeding one hundred and sixty acres, or one quarter-section to each, in compact form, in accordance with the general principles of the pre-emption laws, under the direction of the Commissioner of the General Land-Office; but claimants shall file their declaratory statements as prescribed in other cases upon unoffered lands, and shall pay for the tracts, respectively, settled upon within one year from date of settlement where the plat of survey is on file at that date, and within one year from the filing of the township-plat in the district office where such plat is not on file at date of settlement.

Transfer of above claims prior to, &c., subsequent right of entry.

9 May, 1872, c. 149, s. 3, v. 17, p. 90.

SEC. 2284. The sale or transfer of his claim upon any portion of these lands by any settler prior to the twenty-sixth day of April, eighteen hundred and seventy-one, shall not operate to preclude the right of entry, under the provisions of the preceding section, upon another tract settled upon subsequent to such sale or transfer; but satisfactory proof of good faith must be furnished upon such subsequent settlement.

Pre-emption restrictions not to apply to certain lands in Kansas.

9 May, 1872, c. 149, s. 3, v. 17, p. 90.

SEC. 2285. The restrictions of the pre-emption laws, contained in sections twenty-two hundred and sixty and twenty-two hundred and sixty-one, shall not apply to any settler on the Osage Indian trust and diminished-reserve lands in the State of Kansas, who was actually residing on his claim on the ninth day of May, eighteen hundred and seventy-two.

Pre-emption by counties for seats of justice.

26 May, 1824, c. 169, s. 1, v. 4, p. 50.

SEC. 2286. There shall be granted to the several counties or parishes of each State and Territory, where there are public lands, at the minimum price for which public lands of the United States are sold, the right of pre-emption to one quarter-section of land, in each of the counties or parishes, in trust for such counties or parishes, respectively, for the establishment of seats of justice therein; but the proceeds of the sale of each such quarter-section shall be appropriated for the purpose of erecting public buildings in the county or parish for which it is located, after deducting therefrom the amount originally paid for the same. And the seat of justice for such counties or parishes, respectively, shall be fixed previously to a sale of the adjoining lands within the county or parish for which the same is located.

Where claimant of entry becomes register or receiver.

20 April, 1871, c. 21, s. 16, v. 17, p. 10.

SEC. 2287. Any bona-fide settler under the homestead or pre-emption laws of the United States who has filed the proper application to enter not to exceed one quarter-section of the

public lands in any district land-office, and who has been subsequently appointed a register or receiver, may perfect the title to the land under the pre-emption laws by furnishing the proofs and making the payments required by law, to the satisfaction of the Commissioner of the General Land-Office.

SEC. 2288. Any person who has already settled or hereafter may settle on the public lands, either by pre-emption or by virtue of the homestead law or any amendments thereto, shall have the right to transfer, by warranty against his own acts, any portion of his pre-emption or homestead for church, cemetery, or school purposes, and for the right of way of railroads across such pre-emption or homestead, and the transfer for such public purposes shall in no way vitiate the right to complete and perfect the title to their pre-emptions or homesteads.

Right of transfer of settlers under homestead or pre-emption laws for certain public purposes.

Act of 3 March, 1873, c. 266, v. 17, p. 602.

HOMESTEADS.

SEC. 2289. Every person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who has filed his declaration of intention to become such, as required by the naturalization laws, shall be entitled to enter one quarter-section or a less quantity of unappropriated public lands, upon which such person may have filed a pre-emption claim, or which may, at the time the application is made, be subject to pre-emption at one dollar and twenty-five cents per acre; or eighty acres or less of such unappropriated lands at two dollars and fifty cents per acre, to be located in a body, in conformity to the legal subdivisions of the public lands, and after the same have been surveyed. And every person owning and residing on land may, under the provisions of this section, enter other land lying contiguous to his land, which shall not, with the land so already owned and occupied, exceed in the aggregate one hundred and sixty acres.

Who may enter certain unappropriated public lands.

20 May, 1862, c. 75, s. 1, v. 12, p. 392.

SEC. 2290. The person applying for the benefit of the preceding section shall, upon application to the register of the land-office in which he is about to make such entry, make affidavit before the register or receiver that he is the head of a family, or is twenty-one years or more of age, or has performed service in the Army or Navy of the United States, and that such application is made for his exclusive use and benefit, and that his entry is made for the purpose of actual settlement and cultivation, and not either directly or indirectly for the use or benefit of any other person; and upon filing such affidavit with the register or receiver, on payment of five dollars when the entry is of not more than eighty acres, and on payment of ten dollars when the entry is for more than eighty acres, he shall thereupon be permitted to enter the amount of land specified.

Mode of procedure.
21 June, 1866, c. 127, s. 2, v. 14, p. 67. 20 May, 1862, c. 75, s. 2, v. 12, p. 392. 21 March, 1864, c. 38, s. 2, v. 13, p. 35.

SEC. 2291. No certificate, however, shall be given, or patent issued therefor, until the expiration of five years from the date of such entry; and if at the expiration of such time, or at any time within two years thereafter, the person making such entry; or if he be dead, his widow; or in case of her death, his heirs or devisee; or in case of a widow making such entry, her heirs or devisee, in case of her death, proves by two credible witnesses that he, she, or they have resided upon or cultivated the same for the term of five years immediately succeeding the

Certificate and patent, when given and issued.

21 June, 1866, c. 127, s. 2, v. 14, p. 67.

time of filing the affidavit, and makes affidavit that no part of such land has been alienated, except as provided in section twenty-two hundred and eighty-eight, and that he, she, or they will bear true allegiance to the Government of the United States; then, in such case, he, she, or they, if at that time citizens of the United States, shall be entitled to a patent, as in other cases provided by law.

When rights inure to the benefit of infant children.
21 June, 1866, c. 127, s. 2,
v. 14, p. 67.

SEC. 2292. In case of the death of both father and mother, leaving an infant child or children under twenty-one years of age, the right and fee shall inure to the benefit of such infant child or children; and the executor, administrator, or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children, for the time being, have their domicile, sell the land for the benefit of such infants, but for no other purpose; and the purchaser shall acquire the absolute title by the purchase, and be entitled to a patent from the United States on the payment of the office fees and sum of money above specified.

Persons in military or naval service, when and before whom to make affidavit.
21 March, 1864, c. 38, s. 4,
v. 13, p. 35.

SEC. 2293. In case of any person desirous of availing himself of the benefits of this chapter, but who, by reason of actual service in the military or naval service of the United States, is unable to do the personal preliminary acts at the district land-office which the preceding sections require; and whose family, or some member thereof, is residing on the land which he desires to enter, and upon which a bona-fide improvement and settlement have been made, such person may make the affidavit required by law before the officer commanding in the branch of the service in which the party is engaged, which affidavit shall be as binding in law, and with like penalties, as if taken before the register or receiver; and upon such affidavit being filed with the register by the wife or other representative of the party, the same shall become effective from the date of such filing, provided the application and affidavit are accompanied by the fee and commissions as required by law.

When persons may make affidavit before clerk of court.
21 March, 1864, c. 38, s. 3,
v. 13, p. 35.

SEC. 2294. In any case in which the applicant for the benefit of the homestead, and whose family, or some member thereof, is residing on the land which he desires to enter, and upon which a bona-fide improvement and settlement have been made, is prevented, by reason of distance, bodily infirmity, or other good cause, from personal attendance at the district land-office, it may be lawful for him to make the affidavit required by law before the clerk of the court for the county in which the applicant is an actual resident, and to transmit the same, with the fee and commissions, to the register and receiver.

Record of applications.
20 May, 1862, c. 75, s. 3, v.
12, p. 393.

SEC. 2295. The register of the land-office shall note all applications under the provisions of this chapter on the tract-books and plats of his office, and keep a register of all such entries, and make return thereof to the General Land-Office, together with the proof upon which they have been founded.

Homestead lands not to be subject to prior debts.
20 May, 1862, c. 75, s. 4, v.
12, p. 393.

SEC. 2296. No lands acquired under the provisions of this chapter shall in any event become liable to the satisfaction of any debt contracted prior to the issuing of the patent therefor.

When lands entered for homestead revert to Government.
20 May, 1862, c. 75, s. 5, v.
12, p. 393.

SEC. 2297. If, at any time after the filing of the affidavit, as required in section 2290, and before the expiration of the five years mentioned in section 2291, it is proved, after due notice to the settler, to the satisfaction of the register of the land-

office, that the person having filed such affidavit has actually changed his residence, or abandoned the land for more than six months at any time, then and in that event the land so entered shall revert to the Government: [Provided, That where there may be climatic reasons the Commissioner of the General Land-Office may, in his discretion, allow the settler twelve months from the date of filing in which to commence his residence on said land under such rules and regulations as he may prescribe.]*

SEC. 2298. No person shall be permitted to acquire title to more than one quarter-section under the provisions of this chapter.

Limitation of amount entered for homestead.
20 May, 1862, c. 75, s. 6, v. 12, p. 393.

SEC. 2299. Nothing contained in this chapter shall be so construed as to impair or interfere in any manner with existing pre-emption rights; and all persons who may have filed their applications for a pre-emption right prior to the 20th day of May, 1862, shall be entitled to all the privileges of this chapter.

Existing pre-emption rights not impaired.
20 May, 1862, c. 75, s. 6, v. 12, p. 393.

SEC. 2300. No person who has served, or may hereafter serve, for a period not less than fourteen days in the Army or Navy of the United States, either regular or volunteer, under the laws thereof, during the existence of an actual war, domestic or foreign, shall be deprived of the benefits of this chapter on account of not having attained the age of twenty-one years.

What minors may have the privileges of this chapter.
20 May, 1862, c. 75, s. 6, v. 12, p. 393.

SEC. 2301. Nothing in this chapter shall be so construed as to prevent any person who has availed himself of the benefits of section 2289, from paying the minimum price for the quantity of land so entered, at any time before the expiration of the five years, and obtaining a patent therefor from the Government, as in other cases directed by law, on making proof of settlement and cultivation as provided by law, granting pre-emption rights.†

Payments before expiration of five years, rights of applicant.
20 May, 1862, c. 75, s. 8, v. 12, p. 393.

SEC. 2302. No distinction shall be made in the construction or execution of this chapter on account of race or color; nor shall any mineral lands be liable to entry and settlement under its provisions.

No distinction on account of race or color, &c.
21 June, 1866, c. 127, s. 1, v. 14, p. 67.

SEC. 2303. All the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida shall be disposed of in no other manner than according to the terms and stipulations contained in the preceding provisions of this chapter.‡

21 June, 1866, c. 127, s. 1, v. 14, p. 67.
Repealed.
22 June, 1876, c. 165, v. 19, p. 73.

SEC. 2304. Every private soldier and officer who has served in the Army of the United States during the recent rebellion, for ninety days, and who was honorably discharged, and has remained loyal to the Government, including the troops mustered into the service of the United States by virtue of the third section of an act approved February 13, 1862, and every seaman, marine, and officer who has served in the Navy of the United States, or in the Marine Corps, during the rebellion, for ninety days, and who was honorably discharged, and has remained loyal to the Government, shall, on compliance with the provisions of this chapter, as hereinafter modified, be entitled to enter

Soldiers' and sailors' homestead.
8 June, 1872, c. 333, s. 1, v. 17, p. 333.

* The portion within brackets is an amendment, added by act of March 3, 1881, (21 Stats., 511; Appendix No. 11.)

† See act of June 9, 1880, (21 Stats., 169; Appendix No. 4.)

‡ Repealed by act of June 22, 1876.

upon and receive patents for a quantity of public lands not exceeding 160 acres, or one quarter-section, to be taken in compact form, according to legal subdivisions, including the alternate reserved sections of public land along the line of any railroad or other public work, not otherwise reserved or appropriated, and other lands subject to entry under the homestead laws of the United States; but such homestead settler shall be allowed six months after locating his homestead, and filing his declaratory statement, within which to make his entry and commence his settlement and improvement.

Deduction of military and naval service from time, &c.
8 June, 1872, c. 338, s. 1, v.
17, p. 333.

SEC. 2305. The time which the homestead settler has served in the Army, Navy, or Marine Corps shall be deducted from the time heretofore required to perfect title, or if discharged on account of wounds received or disability incurred in the line of duty, then the term of enlistment shall be deducted from the time heretofore required to perfect title, without reference to the length of time he may have served; but no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year after he shall have commenced his improvements.

Persons who have entered less than 160 acres, rights of.
8 June, 1872, c. 338, s. 2, v.
17, p. 333.

SEC. 2306. Every person entitled, under the provisions of section 2304, to enter a homestead who may have heretofore entered, under the homestead laws, a quantity of land less than 160 acres, shall be permitted to enter so much land as, when added to the quantity previously entered, shall not exceed 160 acres.

Widow and minor children of persons entitled to homestead, &c.
8 June, 1872, c. 338, s. 3, v.
17, p. 333.

SEC. 2307. In case of the death of any person who would be entitled to a homestead under the provisions of section 2304, his widow, if unmarried, or in case of her death or marriage, then his minor orphan children, by a guardian duly appointed and officially accredited at the Department of the Interior, shall be entitled to all the benefits enumerated in this chapter, subject to all the provisions as to settlement and improvement therein contained; but if such person died during his term of enlistment, the whole term of his enlistment shall be deducted from the time heretofore required to perfect the title.

Actual service in the Army or Navy equivalent to residence, &c.
8 June, 1872, c. 338, s. 4, v.
17, p. 333.

SEC. 2308. Where a party at the date of his entry of a tract of land under the homestead laws, or subsequently thereto, was actually enlisted and employed in the Army or Navy of the United States, his services therein shall, in the administration of such homestead laws, be construed to be equivalent, to all intents and purposes, to a residence for the same length of time upon the tract so entered. And if his entry has been canceled by reason of his absence from such tract while in the military or naval service of the United States, and such tract has not been disposed of, his entry shall be restored; but if such tract has been disposed of, the party may enter another tract subject to entry under the homestead laws, and his right to a patent therefor may be determined by the proofs touching his residence and cultivation of the first tract and his absence therefrom in such service.

Who may enter by agent.
8 June, 1872, c. 338, s. 5, v.
17, p. 334.

SEC. 2309. Every soldier, sailor, marine, officer, or other person coming within the provisions of section 2304, may, as well by an agent as in person, enter upon such homestead by filing a declaratory statement, as in pre-emption cases; but such claimant in person shall within the time prescribed make his actual entry, commence settlements and improvements on the same, and thereafter fulfill all the requirements of law.

SEC. 2310. Each of the chiefs, warriors, and heads of families of the Stockbridge Munsee tribes of Indians residing in the county of Shawana, State of Wisconsin, may, under the direction of the Secretary of the Interior, enter a homestead and become entitled to all the benefits of this chapter, free from any fee or charge; and any part of their present reservation, which is abandoned for that purpose, may be sold, under the direction of the Secretary of the Interior, and the proceeds applied for the benefit of such Indians as may settle on homesteads, to aid them in improving the same.

Chiefs, &c., of Stockbridge Munsees, homestead rights of.
3 March, 1865, c. 127, s. 4, v. 13, p. 562.

SEC. 2311. The homestead secured, by virtue of the preceding section, shall not be subject to any tax, levy, or sale; nor shall it be sold, conveyed, mortgaged, or in any manner incumbered, except upon the decree of the district court of the United States, as provided in the following section:

Exemption of homestead of Stockbridge Munsees.
3 March, 1865, c. 127, s. 4, v. 13, p. 562.

SEC. 2312. Whenever any of the chiefs, warriors, or heads of families of the tribes mentioned in section twenty-three hundred and ten, having filed with the clerk of the district court of the United States a declaration of his intention to become a citizen of the United States, and to dissolve all relations with any Indian tribe, two years previous thereto, appears in such court, and proves to the satisfaction thereof, by the testimony of two citizens, that for five years last past he has adopted the habits of civilized life; that he has maintained himself and family by his own industry; that he reads and speaks the English language; that he is well disposed to become a peaceable and orderly citizen; and that he has sufficient capacity to manage his own affairs; the court may enter a decree admitting him to all the rights of a citizen of the United States, and thenceforth he shall be no longer held or treated as a member of any Indian tribe, but shall be entitled to all the rights and privileges, and be subject to all the duties and liabilities to taxation of other citizens of the United States. But nothing herein contained shall be construed to deprive such chiefs, warriors, or heads of families of annuities to which they are or may be entitled.

Stockbridge Munsees becoming citizens.
3 March, 1865, c. 127, s. 4, v. 13, p. 562.

REPAYMENTS.

* * * * *

SEC. 2362. The Secretary of the Interior is authorized, upon proof being made, to his satisfaction, that any tract of land has been erroneously sold by the United States, so that from any cause the sale cannot be confirmed, to repay to the purchaser, or to his legal representatives or assignees, the sum of money which was paid therefor, out of any money in the Treasury not otherwise appropriated.*

Purchase-money refunded where sale cannot be confirmed.
12 Jan., 1825, c. 5, v. 4, p. 80. 23 Feb., 1859, c. 64, s. 1, v. 11, p. 387.

SEC. 2363. Where any tract of land has been erroneously sold, as described in the preceding section, and the money which was paid for the same has been invested in any stocks held in trust, or has been paid into the Treasury to the credit of any trust-fund, it is lawful, by the sale of such portion of the stocks as may be necessary for the purpose, or out of such trust-fund, to repay the purchase-money to the parties entitled thereto.

Refunding in certain cases; how done.
23 Feb., 1859, c. 64, s. 2, v. 11, p. 388.

* * * * *

* Amended by act of June 16, 1880, (21 Stats., 287; Appendix No. 20.)

DEPOSITS FOR SPECIAL SURVEYS.

SEC. 2401. When the settlers in any township, not mineral or reserved by Government, desire a survey made of the same, under the authority of the surveyor-general, and file an application therefor in writing, and deposit in a proper United States depository, to the credit of the United States, a sum sufficient to pay for such survey, together with all expenditures incident thereto, without cost or claim for indemnity on the United States, it may be lawful for the surveyor-general, under such instructions as may be given him by the Commissioner of the General Land-Office, and in accordance with law, to survey such township and make return thereof to the general and proper local land-office, provided the township so proposed to be surveyed is within the range of the regular progress of the public surveys embraced by existing standard lines or bases for the township and subdivisional surveys.

SEC. 2402. The deposit of money in a proper United States depository, under the provisions of the preceding section, shall be deemed an appropriation of the sums so deposited for the objects contemplated by that section, and the Secretary of the Treasury is authorized to cause the sums so deposited to be placed to the credit of the proper appropriations for the surveying service; but any excesses in such sums over and above the actual cost of the surveys, comprising all expenses incident thereto, for which they were severally deposited, shall be repaid to the depositors respectively.

SEC. 2403. Where settlers make deposits in accordance with the provisions of section twenty-four hundred and (*seven*) (one), the amount so deposited shall go in part payment for their lands situated in the townships, the surveying of which is paid for out of such deposits. [*Provided*, That no certificate issued for a deposit of money for the survey of lands shall be received in payment for lands except at the land-office in which the lands surveyed for which the deposit was made are subject to entry, and not elsewhere; but this section shall not be held to impair, prejudice, or affect in any manner certificates issued or deposits and contracts made under the provisions of said act prior to the passage of this act.]*

BOARD OF EQUITABLE ADJUDICATION.

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Cases of "suspended entries of public lands" and "suspended pre-emption land-claims."

26 June, 1856, c. 47, v. 11, p. 22. 3 Aug., 1846, c. 78, s. 1, v. 9, p. 51. 3 March, 1853, c. 152, s. 1, v. 10, p. 258.

SEC. 2450. The Commissioner of the General Land-Office is authorized to decide upon principles of equity and justice, as recognized in courts of equity, and in accordance with regulations to be settled by the Secretary of the Treasury [Interior: see act February 27, 1877], the Attorney-General, and the Commissioner, conjointly, consistently with such principles, all cases of suspended entries of public lands and of suspended pre-emption land-claims, and to adjudge in what cases patents shall issue upon the same.

Adjudications under above, how approved.
3 Aug., 1846, c. 78, s. 1, v. 9, p. 51.

SEC. 2451. Every such adjudication shall be approved by the Secretary of the Treasury and the Attorney-General, acting as a board; and shall operate only to divest the United States

* The portion within brackets is an amendment added by act of August 7, 1832.

of the title of the lands embraced thereby, without prejudice to the rights of conflicting claimants.

SEC. 2452. The Commissioner is directed to report to Congress at the first session after any such adjudications have been made a list of the same under the classes prescribed by law, with a statement of the principles upon which each class was determined.

Report of adjudications under preceding sections.
3 Aug., 1846, c. 78, s. 2, v. 9, p. 51.

SEC. 2453. The Commissioner shall arrange his decisions into two classes; the first class to embrace all such cases of equity as may be finally confirmed by the board, and the second class to embrace all such cases as the board reject and decide to be invalid.

Decisions to be arranged into classes.
3 Aug., 1846, c. 78, s. 3, v. 9, p. 51.

SEC. 2454. For all lands covered by claims which are placed in the first class, patents shall issue to the claimants; and all lands embraced by claims placed in the second class shall ipso facto revert to, and become part of, the public domain.

Patents to issue for lands in the first class, and lands in second class to revert to the United States.
3 Aug., 1846, c. 78, s. 4, v. 9, p. 51.

SEC. 2455. It may be lawful for the Commissioner of the General Land-Office to order into market, after due notice, without the formality and expense of a proclamation of the President, all lands of the second class, though heretofore unproclaimed and unoffered, and such other isolated or disconnected tracts or parcels of unoffered lands which, in his judgment, it would be proper to expose to sale in like manner. But public notice of at least thirty days shall be given by the land-officers of the district in which such lands may be situated, pursuant to the directions of the Commissioner.

Commissioner to order into market lands of second class.
3 Aug., 1846, c. 78, s. 5, v. 9, p. 51.

SEC. 2456. Where patents have been already issued on entries which are confirmed by the officers who are constituted the board of adjudication, the Commissioner of the General Land-Office, upon the canceling of the outstanding patent, is authorized to issue a new patent, on such confirmation, to the person who made the entry, his heirs or assigns.

Patents surrendered and new ones issued in certain cases.
3 March, 1853, c. 152, s. 2, v. 10, p. 258.

SEC. 2457. The preceding provisions from section twenty-four hundred and fifty to section twenty-four hundred and fifty-six, inclusive, shall be applicable to all cases of suspended entries and locations, which have arisen in the General Land-Office since the twenty-sixth day of June, eighteen hundred and fifty-six, as well as to all cases of a similar kind which may hereafter occur, embracing as well locations under bounty-land warrants as ordinary entries or sales, including homestead entries and pre-emption locations or cases; where the law has been substantially complied with, and the error or informality arose from ignorance, accident, or mistake which is satisfactorily explained; and where the rights of no other claimant or pre-emptor are prejudiced, or where there is no adverse claim.

Extent of foregoing provisions.
26 June, 1856, c. 47, v. 11, p. 22.

SEC. 2478. The Commissioner of the General Land-Office, under the direction of the Secretary of the Interior, is authorized to enforce and carry into execution, by appropriate regulations, every part of the provisions of this Title not otherwise specially provided for.

Power of Commissioner of Land-Office to enforce this Title.

[The Rules and Regulations of the Board of Equitable Adjudication will be found printed hereafter—see Appendix No. 22.]

[No. 2.]

AN ACT to provide for the punishment of certain crimes against the United States.

* * * * *

SEC. 5. *And be it further enacted*, That in all cases where any oath, affirmation, or affidavit shall be made or taken before any register or receiver, or either or both of them, of any local land office in the United States or any Territory thereof, or where any oath, affirmation, or affidavit shall be made or taken before any person authorized by the laws of any State or Territory of the United States to administer oaths or affirmations, or take affidavits, and such oaths, affirmations or affidavits are made, used, or filed in any of said local land offices, or in the General Land Office, as well in cases arising under any or either of the orders, regulations, or instructions concerning any of the public lands of the United States, issued by the Commissioner of the General Land Office or other proper officer of the government of the United States, as under the laws of the United States, in anywise relating to or affecting any right, claim, or title, or any contest therefor, to any of the public lands of the United States, and if any person or persons shall, taking such oath, affirmation, or affidavit, knowingly, willfully, or corruptly swear or affirm falsely, the same shall be deemed and taken to be perjury, and the person or persons guilty thereof shall, upon conviction, be liable to the punishment prescribed for that offense by the laws of the United States.

Approved March 3, 1857. (11 Stat., 250.)

REVISED STATUTES, SEC. 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment, at hard labor, not more than five years, and shall, moreover, thereafter, be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. [See § 1750.]

[No. 3.]

AN ACT to amend section twenty-two hundred and ninety-one of the Revised Statutes of the United States, in relation to proof required in homestead entries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proof of residence, occupation, or cultivation, the affidavit of non-alienation, and the oath of allegiance, required to be made by section twenty-two hundred and ninety-one of the Revised Statutes of the United States, may be made before the judge, or in his absence, before the clerk of any court of record of the county and State, or district and Territory, in which the lands are situated; and if said lands are situated in any unorganized county, such proof may be made in a similar manner in any adjacent county in said State or Territory; and the proof, affidavit, and oath, when so made and duly subscribed, shall have the same force and effect as if made before the register or receiver of the

proper land-district; and the same shall be transmitted by such judge, or the clerk of his court, to the register and the receiver, with the fee and charges allowed by law to him; and the register and receiver shall be entitled to the same fees for examining and approving said testimony as are now allowed by law for taking the same.

SEC. 2. That if any witness making such proof, or the said applicant making such affidavit or oath, swears falsely as to any material matter contained in said proof, affidavits, or oaths, the said false swearing being willful and corrupt, he shall be deemed guilty of perjury, and shall be liable to the same pains and penalties as if he had sworn falsely before the register.

Approved March 3, 1877. (19 Stat., 403.)

[No. 4.]

AN ACT to amend Sections 2262 and 2301 of the Revised Statutes of the United States, in relation to the settler's affidavit in pre-emption and commuted homestead entries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the affidavit required to be made by sections twenty-two hundred and sixty-two and twenty-three hundred and one of the Revised Statutes of the United States, may be made before the clerk of the county court or of any court of record, of the county and State or district and Territory in which the lands are situated; and if said lands are situated in any unorganized county, such affidavit may be made in a similar manner in any adjacent county in said State or Territory, and the affidavit so made and duly subscribed shall have the same force and effect as if made before the register or receiver of the proper land district; and the same shall be transmitted by such clerk of the court to the register and receiver with the fee and charges allowed by law.

Approved June 9, 1880. (21 Stat., 169.)

[No. 5.]

AN ACT relating to the public lands of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when any lands of the United States shall have been entered and the Government price paid therefor in full no criminal suit or proceeding by or in the name of the United States shall thereafter be had or further maintained for any trespasses upon or for or on account of any material taken from said lands and no civil suit or proceeding shall be had or further maintained for or on account of any trespasses upon or material taken from the said lands of the United States in the ordinary clearing of land, in working a mining claim or for agricultural or domestic purposes or for maintaining improvements upon the land of any *bona fide* settler or for or on account of any timber or material taken or used by any person without fault or knowledge of the trespass or for or on account of any timber taken or used without fraud or collusion by any person who in good faith paid the officers or agents of the United States for the same or for or on account of any alleged conspiracy in relation thereto: *Provided*, That the provisions of this section shall apply only to trespasses and acts done or committed and con-

spiracies entered into prior to March first, eighteen hundred and seventy-nine: *And provided further*, That defendants in such suits or proceedings shall exhibit to the proper courts or officer the evidence of such entry and payment and shall pay all costs accrued up to the time of such entry.

SEC. 2. That persons who have heretofore under any of the homestead laws entered lands properly subject to such entry, or persons to whom the right of those having so entered for homesteads, may have been attempted to be transferred by *bona fide* instrument in writing, may entitle themselves to said lands by paying the Government price therefor, and in no case less than one dollar and twenty-five cents per acre, and the amount heretofore paid the Government upon said lands shall be taken as part payment of said price: *Provided*, This shall in no wise interfere with the rights or claims of others who may have subsequently entered such lands under the homestead laws.

SEC. 3. That the price of lands now subject to entry which were raised to two dollars and fifty cents per acre, and put in market prior to January, eighteen hundred and sixty-one, by reason of the grant of alternate sections for railroad purposes is hereby reduced to one dollar and twenty-five cents per acre.

SEC. 4. This act shall not apply to any of the mineral lands of the United States; and no person who shall be prosecuted for or proceeded against on account of any trespass committed or material taken from any of the public lands after March first, eighteen hundred and seventy-nine shall be entitled to the benefit thereof.

Approved June 15, 1880. (21 Stat., 236.)

[No. 6.]

AN ACT to provide additional regulations for homestead and pre-emption entries of public lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That before final proof shall be submitted by any person claiming to enter agricultural lands under the laws providing for pre-emption or homestead entries, such person shall file with the register of the proper land-office a notice of his or her intention to make such proof, stating therein the description of lands to be entered, and the names of the witnesses by whom the necessary facts will be established. Upon the filing of such notice the register shall publish a notice, that such application has been made, once a week for the period of thirty days, in a newspaper to be by him designated as published nearest to such land, and he shall also post such notice in some conspicuous place in his office for the same period. Such notice shall contain the names of the witnesses as stated in the application. At the expiration of said period of thirty days the claimant shall be entitled to make proof in the manner heretofore provided by law. The Secretary of the Interior shall make all necessary rules for giving effect to the foregoing provisions.

Approved March 3, 1879. (20 Stat., 472.)

[No. 7.]

AN ACT to grant additional rights to homestead settlers on public lands within railroad limits.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage

of this act, the even sections within the limits of any grant of public lands to any railroad company, or to any military road company, or to any State in aid of any railroad or military road, shall be open to settlers under the homestead laws to the extent of one hundred and sixty acres to each settler, and any person who has, under existing laws, taken a homestead on any even section within the limits of any railroad or military road land-grant, and who by existing laws shall have been restricted to eighty acres, may enter under the homestead laws an additional eighty acres adjoining the land embraced in his original entry, if such additional land be subject to entry; or if such person so elect, he may surrender his entry to the United States for cancellation, and thereupon be entitled to enter lands under the homestead laws the same as if the surrendered entry had not been made. And any person so making additional entry of eighty acres, or new entry after the surrender and cancellation of his original entry, shall be permitted so to do without payment of fees and commissions; and the residence and cultivation of such person upon and of the land embraced in his original entry shall be considered residence and cultivation for the same length of time upon and of the land embraced in his additional or new entry, and shall be deducted from the five years' residence and cultivation required by law: *Provided*, That in no case shall patent issue upon an additional or new homestead entry under this act until the person has actually, and in conformity with the homestead laws, occupied, resided upon, and cultivated the land embraced therein at least one year.

Approved March 3, 1879. (20 Stat., 472.)

[No. 8.]

AN ACT to grant additional rights to homestead settlers on public lands within railroad limits in the States of Missouri and Arkansas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act the odd sections within the limits of any grant of public lands to any railroad company in the States of Missouri and Arkansas, or to such States respectively, in aid of any railroad, where the even sections have been granted to and received by any railroad company or by such States respectively in aid of any railroad, shall be open to settlers under the homestead laws to the extent of one hundred and sixty acres to each settler; and any person who has under existing laws taken a homestead on any section within the limits of any railroad grant in said States, and who by existing laws shall have been restricted to eighty acres, may enter under the homestead laws an additional eighty acres adjoining the land embraced in his original entry, if such additional land be subject to entry; or if such person so elect, he may surrender his entry to the United States for cancellation, and thereupon be entitled to enter lands under the homestead laws the same as if the surrendered entry had not been made. And any person so making additional entry of eighty acres, or new entry after the cancellation of his original entry, shall be permitted to do so without payment of fees or commissions; and the residence of such person upon and cultivation of the land embraced in his original entry shall be considered residence and cultivation for the same length of time upon and of the land embraced in his additional or new entry, and shall be deducted from the five years' residence and cultivation required by law: *Provided*, That in

no case shall patent issue upon an additional or new homestead entry under this act until the person has actually, and in conformity with the homestead laws, occupied, resided upon, and cultivated the land embraced therein at least one year.

Approved July 1, 1879. (21 Stat., 46.)

[No. 9.]

AN ACT for the relief of settlers on the public lands in districts subject to grasshopper incursions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for homestead and pre-emption settlers on the public lands, and in all cases where pre-emptions are authorized by law, where crops have been or may be destroyed or seriously injured by grasshoppers, to leave and be absent from said lands under such rules and regulations, as to proof of the same, as the Commissioner of the General Land Office shall prescribe; but in no case shall such absence extend beyond one year continuously; and during such absence no adverse rights shall attach to said lands, such settlers being allowed to resume and perfect their settlement as though no such absence had occurred.

SEC. 2. That the time for making final proof and payment by pre-emptors whose crops shall have been destroyed or injured as aforesaid, may, in the discretion of the Commissioner of the General Land Office, be extended for one year after the expiration of the term of absence provided for in the first section of this act; and all the rights and privileges extended by this act to homestead and pre-emption settlers shall apply to and include the settlers under an act entitled "An act to encourage the growth of timber on western prairies," approved March third, eighteen hundred and seventy-three, and the acts amendatory thereof.

Approved July 1, 1879. (21 Stat., 48.)

[No. 10.]

AN ACT for the relief of certain homestead and pre-emption settlers in Kansas and Nebraska.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for homestead and pre-emption settlers on the public lands or pre-emption settlers upon Indian reservations in the States of Kansas and Nebraska west of the sixth principal meridian, where there has been a loss or failure of crops from unavoidable cause, in the year of 1879 or 1880, to leave and be absent from said lands until the first day of October, 1881, under such rules and regulations as to proof and notice as the Commissioner of the General Land Office may prescribe; and during said absence no adverse rights shall attach to said lands, such settlers being allowed to resume and perfect their settlement as though no such absence had occurred.

SEC. 2. That the time for making final proof and payment by such pre-emptors is hereby extended for one year after the expiration of the term of absence provided for in the first section of this act; but in cases where the purchase money is by law payable in installments, the first unpaid installment shall be held not to be due until one year after the expiration of the leave of absence aforesaid.

Approved June 4, 1880. (21 Stat., 543.)

[No. 11.]

AN ACT to amend section 2297 of the Revised Statutes, relating to homestead settlers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section numbered twenty-two hundred and ninety-seven, of title numbered thirty-two, be amended by adding thereto the following proviso, namely: *Provided,* That where there may be climatic reasons the Commissioner of the General Land Office may, in his discretion, allow the settler twelve months from the date of filing in which to commence his residence on said land under such rules and regulations as he may prescribe.

Approved March 3, 1881. (21 Stat., 511.)

[No. 12.]

AN ACT for the relief of settlers on the public lands under the pre-emption laws.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who has made a settlement on the public lands under the pre-emption laws, and has subsequent to such settlement changed his filing in pursuance of law to that for a homestead entry upon the same tract of land, shall be entitled, subject to all the provisions of the law relating to homesteads, to have the time required to perfect his title under the homestead laws computed from the date of his original settlement heretofore made, or hereafter to be made, under the pre-emption laws.

Approved June 14, 1878. (20 Stat., 113.)

[No. 13.]

AN ACT to provide for issuing patents for public lands claimed under the pre-emption and homestead laws, in cases where the claimants have become insane.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases in which parties who regularly initiated claims to public lands as settlers thereon according to the provisions of the pre-emption or homestead laws, have become insane or shall hereafter become insane before the expiration of the time during which their residence, cultivation, or improvement of the land claimed by them is required by law to be continued in order to entitle them to make the proper proof and perfect their claims, it shall be lawful for the required proof and payment to be made for their benefit by any person who may be legally authorized to act for them during their disability, and thereupon their claims shall be confirmed and patented, provided it shall be shown by proof satisfactory to the Commissioner of the General Land Office that the parties complied in good faith with the legal requirements up to the time of their becoming insane, and the requirement in homestead entries of an affidavit of allegiance by the applicant in certain cases as a prerequisite to the issuing of the patents shall be dispensed with so far as regards such insane parties.

Approved June 8, 1880. (21 Stat., 166.)

[No. 14.]

AN ACT making appropriations to supply deficiencies in the appropriations for fiscal years ending June thirtieth, eighteen hundred and seventy-five, and prior years, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * * *

SEC. 15. That any Indian, born in the United States, who is the head of a family, or who has arrived at the age of twenty-one years, and who has abandoned, or may hereafter abandon, his tribal relations, shall, on making satisfactory proof of such abandonment under rules to be prescribed by the Secretary of the Interior, be entitled to the benefits of the act entitled "An Act to secure homesteads to actual settlers on the public domain," approved May twentieth, eighteen hundred and sixty-two, and the acts amendatory thereof, except that the provisions of the eighth section of the said act shall not be held to apply to entries made under this act: *Provided, however,* That the title to lands acquired by any Indian by virtue hereof shall not be subject to alienation or incumbrance, either by voluntary conveyance, or the judgment, decree, or order of any court, and shall be and remain inalienable for a period of five years from the date of the patent issued therefor: *Provided,* That any such Indian shall be entitled to his distributive share of all annuities, tribal funds, lands, and other property, the same as though he had maintained his tribal relations; and any transfer, alienation, or incumbrance of any interest he may hold or claim by reason of his former tribal relations shall be void.

SEC. 16. That in all cases in which Indians have heretofore entered public lands under the homestead law, and have proceeded in accordance with the regulations prescribed by the Commissioner of the General Land Office, or in which they may hereafter be allowed to so enter under said regulations prior to the promulgation of regulations to be established by the Secretary of the Interior under the fifteenth section of this act, and in which the conditions prescribed by law have been or may be complied with, the entries so allowed are hereby confirmed, and patents shall be issued thereon; subject, however, to the restrictions and limitations contained in the fifteenth section of this act in regard to alienation and incumbrance.

Approved March 3, 1875. (18 Stat., 420.)

[No. 15.]

AN ACT defining the manner in which certain land-scrip may be assigned and located, or applied by actual settlers, and providing for the issue of patents in the name of the locator or his legal representatives.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever, in cases prosecuted under the acts of Congress of June twenty-second, eighteen hundred and sixty, March second, eighteen hundred and sixty-seven, and the first section of the act of June tenth, eighteen hundred and seventy-two, providing for the adjustment of private land claims in the States of Florida, Louisiana, and Missouri, the validity of the claim has been, or shall be hereafter, recognized by the Supreme Court of the United States, and the court has decreed that the plaintiff or plaintiffs is or are entitled to enter a certain number of acres upon the public lands of the United States,

subject to private entry at one dollar and twenty-five cents per acre, or to receive certificate of location for as much of the land the title to which has been established as has been disposed of by the United States, certificate of location shall be issued by the Commissioner of the General Land Office, attested by the seal of said office, to be located as provided for in the sixth section of the aforesaid act of Congress of June twenty-second, eighteen hundred and sixty, or applied according to the provisions of the second section of this act; and said certificate of location or scrip shall be subdivided according to the request of the confirmer or confirmeres, and, as nearly as practicable, in conformity with the legal divisions and subdivisions of the public lands of the United States, and shall be, and are hereby declared to be, assignable by deed or instrument of writing, according to the form and pursuant to regulations prescribed by the Commissioner of the General Land Office, so as to vest the assignee with all the rights of the original owners of the scrip, including the right to locate the scrip in his own name.

SEC. 2. That such scrip shall be received from actual settlers only in payment of pre-emption claims or in commutation of homestead claims, in the same manner and to the same extent as is now authorized by law in the case of military bounty-land warrants.

SEC. 3. That the register of the proper land-office, upon any such certificate being located, shall issue, in the name of the party making the location, a certificate of entry, upon which, if it shall appear to the satisfaction of the Commissioner of the General Land Office that such certificate has been fairly obtained, according to the true intent and meaning of this act, a patent shall issue, as in other cases, in the name of the locator or his legal representative.

SEC. 4. That the provisions of this act respecting the assignment and patenting of scrip and its application to pre-emption and homestead claims shall apply to the indemnity-certificates of location provided for by the act of the second of June, eighteen hundred and fifty-eight, entitled "An Act to provide for the location of certain confirmed private land-claims in the State of Missouri, and for other purposes."

Approved January 28, 1879. (20 Stat., 274.)

[No. 16.]

AN ACT to amend an act entitled "An act to encourage the growth of timber on the Western Prairies."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An Act to amend the act entitled 'An Act to encourage the growth of timber on Western Prairies,'" approved March thirteenth, eighteen hundred and seventy-four, be and the same is hereby amended so as to read as follows: That any person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who shall have filed his declaration of intention to become such, as required by the naturalization laws of the United States, who shall plant, protect, and keep in a healthy, growing condition for eight years ten acres of timber, on any quarter-section of any of the public lands of the United States, or five acres on any legal subdivision of eighty acres, or two and one-half acres on any legal subdivision of forty acres or less, shall be entitled to a

patent for the whole of said quarter-section, or of such legal subdivision of eighty or forty acres, or fractional subdivision of less than forty acres, as the case may be, at the expiration of said eight years, on making proof of such fact by not less than two credible witnesses, and a full compliance of the further conditions as provided in section two: *Provided, further,* That not more than one quarter of any section shall be thus granted, and that no person shall make more than one entry under the provisions of this act.

SEC. 2. That the person applying for the benefits of this act shall, upon application to the register of the land-district in which he or she is about to make such entry, make affidavit, before the register or the receiver, or the clerk of some court of record, or officer authorized to administer oaths in the district where the land is situated; which affidavit shall be as follows, to wit: I, _____, having filed my application, number _____, for an entry under the provisions of an act entitled "An Act to amend an act entitled 'An Act to encourage the growth of timber on the Western Prairies,' approved _____, 187—, do solemnly swear (or affirm) that I am the head of a family (or over twenty-one years of age), and a citizen of the United States (or have declared my intention to become such); that the section of land specified in my said application is composed exclusively of prairie lands, or other lands devoid of timber; that this filing and entry is made for the cultivation of timber, and for my own exclusive use and benefit; that I have made the said application in good faith, and not for the purpose of speculation, or directly or indirectly for the use or benefit of any other person or persons whomsoever; that I intend to hold and cultivate the land, and to fully comply with the provisions of this said act; and that I have not heretofore made an entry under this act, or the acts of which this is amendatory. And upon filing said affidavit with said register and said receiver, and on payment of ten dollars if the tract applied for is more than eighty acres, and five dollars if it is eighty acres or less, he or she shall thereupon be permitted to enter the quantity of land specified; and the party making an entry of a quarter-section under the provisions of this act shall be required to break or plow five acres covered thereby the first year, five acres the second year, and to cultivate to crop or otherwise the five acres broken or plowed the first year; the third year he or she shall cultivate to crop or otherwise the five acres broken the second year, and to plant in timber, seeds, or cuttings the five acres first broken or plowed, and to cultivate and put in crop or otherwise the remaining five acres, and the fourth year to plant in timber, seeds, or cuttings the remaining five acres. All entries of less quantity than one quarter-section shall be plowed, planted, cultivated and planted to trees, tree-seeds, or cuttings, in the same manner and in the same proportion as hereinbefore provided for a quarter-section: *Provided, however,* That in case such trees, seeds, or cuttings shall be destroyed by grasshoppers, or by extreme and unusual drouth, for any year or term of years, the time for planting such trees, seeds, or cuttings shall be extended one year for every such year that they are so destroyed: *Provided further,* That the person making such entry shall, before he or she shall be entitled to such extension of time, file with the register and the receiver of the proper land-office an affidavit, corroborated by two witnesses, setting forth the destruction of such trees, and that, in consequence of such destruction, he or she is compelled to ask

an extension of time, in accordance with the provisions of this act: *And provided further*, That no final certificate shall be given, or patent issued, for the land so entered, until the expiration of eight years from the date of such entry; and if, at the expiration of such time, or at any time within five years thereafter, the person making such entry, or, if he or she be dead, his or her heirs or legal representatives, shall prove by two credible witnesses that he or she or they have planted, and, for not less than eight years, have cultivated and protected such quantity and character of trees as aforesaid; that not less than twenty-seven hundred trees were planted on each acre, and that at the time of making such proof there shall be then growing at least six hundred and seventy-five living and thrifty trees to each acre, they shall receive a patent for such tract of land.

SEC. 3. That if at any time after the filing of said affidavit, and prior to the issuing of the patent for said land, the claimant shall fail to comply with any of the requirements of this act, then and in that event such land shall be subject to entry under the homestead laws, or by some other person under the provisions of this act: *Provided*, That the party making claim to said land, either as a homestead settler or under this act, shall give, at the time of filing his application, such notice to the original claimant as shall be prescribed by the rules established by the Commissioner of the General Land Office; and the rights of the parties shall be determined as in other contested cases.

SEC. 4. That no land acquired under the provisions of this act shall, in any event, become liable to the satisfaction of any debt or debts contracted prior to the issuing of the final certificate therefor.

SEC. 5. That the Commissioner of the General Land Office is hereby required to prepare and issue such rules and regulations, consistent with this act, as shall be necessary and proper to carry its provisions into effect; and that the registers and receivers of the several land-offices shall each be entitled to receive two dollars at the time of entry, and the like sum when the claim is finally established and the final certificate issued.

SEC. 6. That the fifth section of the act entitled "An Act in addition to an act to punish crimes against the United States, and for other purposes," approved March third, eighteen hundred and fifty-seven, shall extend to all oaths, affirmations, and affidavits required or authorized by this act.

SEC. 7. That parties who have already made entries under the acts approved March third, eighteen hundred and seventy-three, and March thirteenth, eighteen hundred and seventy-four, of which this is amendatory, shall be permitted to complete the same upon full compliance with the provisions of this act; that is, they shall, at the time of making their final proof, have had under cultivation, as required by this act, an amount of timber sufficient to make the number of acres required by this act.

SEC. 8. All acts and parts of acts in conflict with this act are hereby repealed.

Approved June 14, 1878. (20 Stat., 113.)

[No. 17.]

AN ACT for the sale of timber lands in the States of California, Oregon, Nevada, and in Washington Territory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That surveyed public lands of

the United States within the States of California, Oregon, and Nevada, and in Washington Territory, not included within military, Indian, or other reservations of the United States, valuable chiefly for timber, but unfit for cultivation, and which have not been offered at public sale according to law, may be sold to citizens of the United States, or persons who have declared their intention to become such, in quantities not exceeding one hundred and sixty acres to any one person or association of persons, at the minimum price of two dollars and fifty cents per acre; and lands valuable chiefly for stone may be sold on the same terms as timber lands: *Provided*, That nothing herein contained shall defeat or impair any bona-fide claim under any law of the United States, or authorize the sale of any mining claim, or the improvements of any bona-fide settler, or lands containing gold, silver, cinnabar, copper, or coal, or lands selected by the said States under any law of the United States donating lands for internal improvements, education, or other purposes: *And provided further*, That none of the rights conferred by the act approved July twenty-sixth, eighteen hundred and sixty-six, entitled "An Act granting the right of way to ditch and canal owners over the public lands, and for other purposes," shall be abrogated by this act; and all patents granted shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights, as may have been acquired under and by the provisions of said act; and such rights shall be expressly reserved in any patent issued under this act.

SEC. 2. That any person desiring to avail himself of the provisions of this act shall file with the register of the proper district a written statement in duplicate, one of which is to be transmitted to the General Land Office, designating by legal subdivisions the particular tract of land he desires to purchase, setting forth that the same is unfit for cultivation, and valuable chiefly for its timber or stone; that it is uninhabited; contains no mining or other improvements, except for ditch or canal purposes, where any such do exist, save such as were made by or belong to the applicant, nor, as deponent verily believes, any valuable deposit of gold, silver, cinnabar, copper, or coal; that deponent has made no other application under this act; that he does not apply to purchase the same on speculation, but in good faith to appropriate it to his own exclusive use and benefit; and that he has not, directly or indirectly, made any agreement or contract, in any way or manner, with any person or persons whatsoever, by which the title which he might acquire from the Government of the United should inure, in whole or in part, to the benefit of any person except himself; which statement must be verified by the oath of the applicant before the register or the receiver of the land-office within the district where the land is situated; and if any person taking such oath shall swear falsely in the premises, he shall be subject to all the pains and penalties of perjury, and shall forfeit the money which he may have paid for said lands, and all right and title to the same; and any grant or conveyance which he may have made, except in the hands of bona-fide purchasers, shall be null and void.

SEC. 3. That upon the filing of said statement, as provided in the second section of this act, the register of the land-office shall post a notice of such application, embracing a description of the land by legal subdivisions, in his office, for a period of sixty days, and shall furnish the applicant a

copy of the same for publication, at the expense of such applicant, in a newspaper published nearest the location of the premises, for a like period of time; and after the expiration of said sixty days, if no adverse claim shall have been filed, the person desiring to purchase shall furnish to the register of the land-office satisfactory evidence, first, that said notice of the application prepared by the register as aforesaid was duly published in a newspaper as herein required; secondly, that the land is of the character contemplated in this act, unoccupied and without improvements, other than those excepted, either mining or agricultural, and that it apparently contains no valuable deposits of gold, silver, cinnabar, copper, or coal; and upon payment to the proper officer of the purchase-money of said land, together with the fees of the register and the receiver, as provided for in case of mining claims in the twelfth section of the act approved May tenth, eighteen hundred and seventy-two, the applicant may be permitted to enter said tract, and, on the transmission to the General Land Office of the papers and testimony in the case, a patent shall issue thereon: *Provided*, That any person having a valid claim to any portion of the land may object, in writing, to the issuance of a patent to lands so held by him, stating the nature of his claim thereto; and evidence shall be taken, and the merits of said objection shall be determined by the officers of the land-office, subject to appeal, as in other land cases. Effect shall be given to the foregoing provisions of this act by regulations to be prescribed by the Commissioner of the General Land Office.

* * * * *

SEC. 6. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved June 3, 1878. (20 Stat., 89.)

[No. 18.]

AN ACT for the relief of settlers on public lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when a pre-emption, homestead, or timber-culture claimant shall file a written relinquishment of his claim in the local land-office, the land covered by such claim shall be held as open to settlement and entry without further action on the part of the Commissioner of the General Land Office.

SEC. 2. In all cases where any person has contested, paid the land-office fees, and procured the cancellation of any pre-emption, homestead, or timber-culture entry, he shall be notified by the register of the land-office of the district in which such land is situated of such cancellation, and shall be allowed thirty days from date of such notice to enter said lands: *Provided*, That said register shall be entitled to a fee of one dollar for the giving of such notice, to be paid by the contestant, and not to be reported.

SEC. 3. That any settler who has settled, or who shall hereafter settle, on any of the public lands of the United States, whether surveyed or unsurveyed, with the intention of claiming the same under the homestead laws, shall be allowed the same time to file his homestead application and perfect his original entry in the United States Land Office as is now allowed to settlers under the pre-emption laws to put their claims on record, and his right shall relate back to the date of settlement, the same as if he settled under the pre-emption laws.

Approved May 14, 1880. (21 Stat., 140.)

AN ACT providing for the sale of saline lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever it shall be made appear to the register and the receiver of any land-office of the United States that any lands within their district are saline in character, it shall be the duty of said register and said receiver, under the regulation of the General Land Office, to take testimony in reference to such lands to ascertain their true character, and to report the same to the General Land Office; and if, upon such testimony, the Commissioner of the General Land Office shall find that such lands are saline and incapable of being purchased under any of the laws of the United States relative to the public domain, then, and in such case, such lands shall be offered for sale by public auction at the local land-office of the district in which the same shall be situated, under such regulations as shall be prescribed by the Commissioner of the General Land Office, and sold to the highest bidder for cash at a price not less than one dollar and twenty-five cents per acre; and in case said lands fail to sell when so offered, then the same shall be subject to private sale at such land-office, for cash, at a price not less than one dollar and twenty-five cents per acre, in the same manner as other lands of the United States are sold: *Provided*, That the foregoing enactments shall not apply to any State or Territory which has not had a grant of salines by act of Congress, nor to any State which may have had such a grant, until either the grant has been fully satisfied, or the right of selection thereunder has expired by efflux of time. But nothing in this act shall authorize the sale or conveyance of any title other than such as the United States has, and the patents issued shall be in the form of a release and quit-claim of all title of the United States in such lands.

SEC. 2. That all executive proclamations relating to the sales of public lands shall be published in only one newspaper, the same to be printed and published in the State or Territory where the lands are situated, and to be designated by the Secretary of the Interior.

Approved January 12, 1877. (19 Stat., 221.)

AN ACT to provide for the sale of desert lands in certain States and Territories.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for any citizen of the United States, or any person of requisite age "who may be entitled to become a citizen, and who has filed his declaration to become such," and upon payment of twenty-five cents per acre, to file a declaration, under oath, with the register and the receiver of the land-district in which any desert land is situated, that he intends to reclaim a tract of desert land, not exceeding one section, by conducting water upon the same within the period of three years thereafter: *Provided, however*, That the right to the use of water by the person so conducting the same on or to any tract of desert land of six hundred and forty acres shall depend upon *bona fide* prior appropriation; and such right shall not exceed the amount of water actually appropriated and necessarily used for the purpose of

irrigation and reclamation; and all surplus water over and above such actual appropriation and use, together with the water of all lakes, rivers, and other sources of water supply upon the public lands, and not navigable, shall remain and be held free for the appropriation and use of the public for irrigation, mining, and manufacturing purposes subject to existing rights. Said declaration shall describe particularly said section of land if surveyed, and if unsurveyed shall describe the same as nearly as possible without a survey. At any time within the period of three years after filing said declaration, upon making satisfactory proof to the register and receiver of the reclamation of said tract of land in the manner aforesaid, and upon the payment to the receiver of the additional sum of one dollar per acre for a tract of land not exceeding six hundred and forty acres to any one person, a patent for the same shall be issued to him: *Provided*, That no person shall be permitted to enter more than one tract of land, and not to exceed six hundred and forty acres, which shall be in compact form.

SEC. 2. That all lands exclusive of timber lands and mineral lands which will not, without irrigation, produce some agricultural crop, shall be deemed desert lands within the meaning of this act, which fact shall be ascertained by proof of two or more credible witnesses under oath, whose affidavits shall be filed in the land-office in which said tract of land may be situated.

SEC. 3. That this act shall only apply to and take effect in the States of California, Oregon, and Nevada, and the territories of Washington, Idaho, Montana, Utah, Wyoming, Arizona, New Mexico, and Dakota, and the determination of what may be considered desert land shall be subject to the decision and regulation of the Commissioner of the General Land Office.

Approved March 3, 1877. (19 Stat., 377.)

[No. 21.]

AN ACT for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where it shall, upon due proof being made, appear to the satisfaction of the Secretary of the Interior that innocent parties have paid the fees and commissions and excess payments required upon the location of claims under the act entitled "An act to amend an act entitled 'An act to enable honorably discharged soldiers and sailors, their widows and orphan children, to acquire homesteads on the public lands of the United States,' and amendments thereto," approved March third, eighteen hundred and seventy-three, and now incorporated in section twenty-three hundred and six of the Revised Statutes of the United States, which said claims were, after such location, found to be fraudulent and void, and the entries or locations made thereon canceled, the Secretary of the Interior is authorized to repay to such innocent parties the fees and commissions, and excess payments paid by them, upon the surrender of the receipts issued therefor by the receivers of public moneys, out of any money in the Treasury not otherwise appropriated, and shall be payable out of the appropriation to refund purchase money on lands erroneously sold by the United States.

SEC. 2. In all cases where homestead or timber-culture or desert-land entries or other entries of public lands have heretofore or shall hereafter be canceled for conflict, or where, from any cause, the entry has been erroneously allowed and cannot be confirmed, the Secretary of the Interior shall cause to be repaid to the person who made such entry, or to his heirs or assigns, the fees and commissions, amount of purchase money, and excess paid upon the same upon the surrender of the duplicate receipt and the execution of a proper relinquishment of all claims to said land, whenever such entry shall have been duly canceled by the Commissioner of the General Land Office, and in all cases where parties have paid double-minimum price for land which has afterwards been found not to be within the limits of a railroad land grant, the excess of one dollar and twenty-five cents per acre shall in like manner be repaid to the purchaser thereof, or to the heirs or assigns.

SEC. 3. The Secretary of the Interior is authorized to make the payments herein provided for, out of any money in the Treasury not otherwise appropriated.

SEC. 4. The Commissioner of the General Land Office shall make all necessary rules, and issue all necessary instructions, to carry the provisions of this act into effect; and for the repayment of the purchase money and fees herein provided for the Secretary of the Interior shall draw his warrant on the Treasury and the same shall be paid without regard to the date of the cancellation of the entries.

Approved June 16, 1880. (21 Stat., 287.)

[No. 22.]

AN ACT in relation to certain fees allowed registers and receivers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fees allowed registers and receivers for testimony reduced by them to writing for claimants, in establishing pre-emption and homestead rights and mineral entries, and in contested cases, shall not be considered or taken into account in determining the maximum of compensation of said officers.

SEC. 2. That registers and receivers shall, upon application, furnish plats or diagrams of townships in their respective districts showing what lands are vacant and what lands are taken, and shall be allowed to receive compensation therefor from the party obtaining said plat or diagram at such rates as may be prescribed by the Commissioner of the General Land Office; and said officers shall, upon application by the proper State or Territorial authorities, furnish, for the purpose of taxation, a list of all lands sold in their respective districts, together with the names of the purchasers, and shall be allowed to receive compensation for the same not to exceed ten cents per entry; and the sums thus received for plats and lists shall not be considered or taken into account in determining the maximum of compensation of said officers.

Approved March 3, 1883. (22 Stat., 484.)

SUSPENDED ENTRIES.

Rules and Regulations.

Under the act of Congress approved August 3, 1846, entitled "An act providing for the adjustment of all suspended pre-emption land claims in the several States and Territories," the following general equitable rules and regulations were established for the government of the Commissioner of the General Land Office.

The Commissioner will recognize as valid, and place in the first class, suspended entries of the following description:

1st. All pre-emption entries in which one or more legal requirements do not appear in the papers because of the neglect or inattention of the land officers, but where the existing testimony shows a substantial and *bona fide* settlement and improvement of the lands; or where such facts were satisfactorily shown to the local officers, by proof which was lost in transmission to the General Land Office, and cannot now be renewed by reason of the death of witnesses, or other cause.

2d. All pre-emption entries under the Acts of 12th April, 1814, 29th May, 1830, 5th April, 1832, 19th June, 1834, 22d June, 1838, and 1st of June, 1840, which have been allowed in the name of assignees, instead of the pre-emptors themselves, where the claim is *bona fide*, and the assignees or subsequent purchasers are in possession.

3d. All entries in virtue of "floats," under the Acts of 29th of May, 1830, and 19th June, 1834, where the *original settlement* (from which the "float" was derived) was *bona fide*, and had been actually entered, but where such *original settlement* was on land reserved for private claims the survey of which had not been returned at the time of entry; and also all entries by such "floats" on land liable to sale, where the "float" entries had been made prior to the return of the official plat of survey for the original settlement.

4th. Entries allowed by pre-emption on "sketch maps" (obtained by the parties), before the return of the regular approved plat of the township embracing the land.

5th. All entries allowed by pre-emption on land which was reserved at the date of the *Pre-emption Act*, but which was *released* from reservation before the expiration of said act, where such entries are in other respects regular.

6th. Pre-emption entries under laws requiring *actual* residence on public land, in which the residence was found to be on *private* property, but where the tract entered formed a substantial part of the farm of the claimant, and was improved and *cultivated* by him at the period required for residence.

7th. Pre-emption entries of legal subdivisions of a fractional section which contain more than one hundred and sixty acres, but which are as near that quantity as the existing subdivisions will allow.

8th. Pre-emption entries allowed under one pre-emption law, where it shall have been discovered that said entries are invalid under that act, but where the settlement and improvement is of a character to have entitled the parties to a legal and valid claim under a subsequent law, provided the land is not embraced by the valid claim of another.

9th. Pre-emption entries in the mineral region, embracing the half of a quarter-section reserved for mineral purposes, where the half-quarter so entered is shown not to have contained mineral; and also entries as "floats," allowed to the claimants, who, by reason of one portion of the quarter-section on which they were settled containing mineral, were unable to enter more than the half of said quarter-section, provided the claim is otherwise a *bona fide* one.

10th. Pre-emption entries founded upon a *bona fide right* of pre-emption, where, as it respects the mode and manner of the entry, there is not a strict conformity with the law, but where such entry does not embrace a quantity exceeding that allowed by law, is in accordance with the wish of the party or parties interested, and does not interfere with the rights or interests of another.

11th. All private sales of tracts which have not been previously offered at public sale, but where the entry appears to have been permitted by the land officers under the impression that the land was liable to private entry, and there is no reason to presume fraud, or to believe that the purchase was made otherwise than in good faith.

12th. All sales made at one land office of lands which were only liable to sale at another, where the proceedings in all other respects were regular.

13th. All *bona fide* entries on lands which had been only offered, but afterwards temporarily withdrawn from market, and then released from reservation, where such lands are not rightfully claimed by others.

14th. All *bona fide* entries at private sale, allowed at Mineral Point, Wisconsin, and fully paid for, of lands which were not ascertained or reported to contain lead mineral until *after* the date of said entries, where the land is not rightfully claimed by another.

The foregoing regulations are not to embrace any case where the entry has been canceled or desired by the party, or where a subsequent entry of the same land has been legally made by the claimant himself, or by another person.

JAMES L. PIPER,
Acting Commissioner of the General Land Office.

We concur in these rules and regulations, October 3, 1846.

R. J. WALKER,
Secretary of the Treasury.
J. Y. MASON,
Attorney-General.

Under the same act of Congress, approved 3d of August, 1846, entitled "An act providing for the adjustment of all suspended pre-emption land claims in the several States and Territories," the following additional rule was established for the government of the Commissioner of the General Land Office:

15th. Where an entry has been improperly allowed by the district land officers, upon evidence deemed by them satisfactory, of the right of the party claiming, and upon the faith of the official certificate of entry issued by the register such entry has passed into the hands of a *bona fide* purchaser, a patent shall be issued to such assignee, notwithstanding the subsequent discovery of the improper or irregular allowance to the original claimant provided the land embraced by such entry is not rightfully claimed by another, and such assignee was, at the time of his purchase,

ignorant of the irregular or improper allowance, and in all cases of entries of lands in the Territory of Wisconsin upon which no lead mines or diggings were known to exist at the time of such entries.

RICHARD M. YOUNG,
Commissioner of the General Land Office.

We concur in the above rule, No. 15, March 13, 1847.

NATHAN CLIFFORD,
Attorney-General.

R. J. WALKER,
Secretary of the Treasury.

Under the act of Congress, approved 3d of March, 1853, reviving and continuing in force the act of 3d of August, 1846, the following rule was established for the government of the Commissioner of the General Land Office:

16th. That all locations under the act of 14th August, 1848, entitled "An act in relation to military land warrants," be confirmed, and patents issued thereon, where the land located lies in one body, and the only objection to the location is, that it consists, technically, of more than one legal subdivision.

JOHN WILSON,
Commissioner.

We concur in this rule, 16th March, 1854.

R. M'CLELLAND,
Secretary of the Interior.

C. CUSHING,
Attorney-General.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
WASHINGTON, D. C., April 25, 1877.

SIR: I have the honor to submit herewith, for your concurrence and that of the Honorable Attorney-General, a set of rules to govern me in submitting for confirmation, under section 2450 of the Revised Statutes of the United States, entries suspended for various causes, but which, upon principles of equity and justice, should be confirmed.

Authority to confirm suspended entries of the public lands was first vested in the Secretary of the Treasury, Attorney-General, and Commissioner of the General Land Office, by act of Congress of August 3, 1846, and revised and extended by acts of 3d of March, 1853, and 26th of June, 1856.

Under these acts, from time to time, sixteen rules have been established, the last March 16, 1854. (See 1 Lester, Land Laws, p. 482, title 5.)

Since then the different homestead acts have been passed, and new classes of suspended entries under the pre-emption laws have arisen. I have prepared eleven new rules, from No. 17 to 27, inclusive. I find that many of the old established rules are obsolete.

* * * * *

Cases in each of the classes mentioned, except class 22, have been confirmed under section 2450 of the Revised Statutes.

It is believed that these classes will cover all agricultural entries falling under general rules.

Special cases not covered by these rules, in which equitable relief should be afforded, will probably arise. Such cases will be submitted as special, with letters of explanation.

I respectfully request that, if you should approve the accompanying rules, you will submit them to the Honorable Attorney-General for his concurrence.

J. A. WILLIAMSON,
Commissioner.

Hon. CARL SCHURZ,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,

WASHINGTON, D. C., May 18, 1877.

SIR: I return herewith, approved by the Attorney-General and myself, the additional rules transmitted with your letter of the 25th ultimo, numbered from 17 to 27, inclusive, to govern your office in the disposal of suspended entries of public lands under various laws.

I am, sir, very respectfully, your obedient servant,

C. SCHURZ,
Secretary.

Hon. J. A. WILLIAMSON,
Commissioner General Land Office.

Additional Rules.

Under section 2450 of the Revised Statutes of the United States, the following rules, additional to those established under the act of August 3, 1846, are provided for the government of the Commissioner of the General Land Office:

17. All entries where the pre-emption affidavit was taken before an officer authorized to administer oaths, when, on account of bodily infirmity, the party cannot appear at the local office.

18. All entries where the pre-emption affidavit was taken before some officer other than the register or receiver, and the pre-emptor died before the defect could be cured.

19. All entries made upon land appropriated by entry or selection, but which entry or selection was subsequently canceled for illegality.

20. Pre-emption entries in which the party has shown good faith, but did not, through ignorance of the law, declare his intention to become a citizen of the United States until after he made his entry.

21. All entries based upon pre-emption proof where the party had failed to file a declaratory statement therefor, provided no adverse claim attached prior to entry.

22. All entries of unoffered land, based upon a second declaratory statement, where the same was filed between June 22, 1874, and June 30, 1875.

23. All pre-emption entries in which the affidavit is defective in not showing that the party was not the owner of 320 acres of land in any State or Territory, and had never had the benefit of the act, the form for which affidavit was furnished by the local land office.

24. All homestead entries in which, by reason of ignorance of the law, sickness of the party or his family, the final proof was not made within the period prescribed by statute, but in other respects the law has been complied with.

25. All homestead entries in which the party failed to settle on the land within the time required by law by reason of physical disability, and where good faith is shown.

26. All homestead entries by mistake made in the name of the wrong party, but where on final proof the error may be corrected without prejudice to another's right.

27. In all homestead entries where the husband has deserted his wife and children, if he have any, who have in good faith complied with the homestead law by residence upon and cultivation of the land, and final proof shall be made by the wife, or, in case of her death, by her heirs or their legal guardians, such entry shall be confirmed, and patent shall issue to the parties entitled thereto.

J. A. WILLIAMSON,
Commissioner General Land Office.

We concur in the above Rules, May 8, 1877.

C. SCHURZ,
Secretary of the Interior.
CHAS. DEVENS,
Attorney-General.

FORMS.

[No. 4-001.]

CASH APPLICATION.

No. —.

LAND OFFICE AT —, (Date) —, 18—.

I, —, of — county, —, do hereby apply to purchase the — of section —, in township —, of range —, containing — acres, according to the returns of the surveyor general, for which I have agreed with the register to give at the rate of — per acre.

I, —, register of the Land Office at —, do hereby certify that the lot above described contains — acres, as mentioned above, and that the price agreed upon is — per acre.

—, Register.

[No. 4-131.]

CASH RECEIPT.

No. —.

RECEIVER'S OFFICE AT —, (Date) —, 18—.

Received from —, of — county, —, the sum of — dollars and — cents; being in full for the — quarter of section No. —, in township No. —, of range No. —, containing — acres and — hundredths, at \$— per acre.

\$—, Receiver.

[No. 4-189.]

CASH CERTIFICATE.

No. —.

LAND OFFICE AT —, (Date) —, 18—.

It is hereby certified that, in pursuance of law, —, of — county, State of —, on this day purchased of the register of this office the lot or — of section No. —, in township No. —, of range No. —, containing — acres, at the rate of — dollars and — cents per acre, amounting to — dollars and — cents, for which the said — ha— made payment in full as required by law.

Now, therefore, be it known, that on presentation of this certificate to the Commissioner of the General Land Office, the said — shall be entitled to receive a patent for the lot above described.

—, Register.

[No. 4-536.]

PRE-EMPTION RECEIPT AND CERTIFICATE.

\$— LAND OFFICE AT —, (Date) —, 18—.

Mr. — has this day paid — dollars, the register's and receiver's fees, to file a declaratory statement, the receipt whereof is hereby acknowledged.

—, Receiver.

No. —.

Mr. —, having paid the fees, has this day filed in this office his declaratory statement, No. —, for — of section —, in township —, of range —, containing — acres, settled upon —, 18—, being — offered.

—, Register.

[No. 4-534.]

PRE-EMPTION DECLARATORY STATEMENT FOR OFFERED LANDS.

I, _____, of _____, being _____, have, since the 1st day of _____, A. D. 18—, settled and improved the _____ quarter of section No. _____, in township No. _____, of range No. _____, in the district of lands subject to sale at the land-office at _____, and containing _____ acres, which land *had been rendered subject to private entry* prior to my settlement thereon; and I do hereby declare my intention to claim the said tract of land as a pre-emption right, under section 2259 of the Revised Statutes of the United States.

Given under my hand this _____ day of _____, A. D. 18—.

In presence of _____.

[No. 4-535.]

PRE-EMPTION DECLARATORY STATEMENT FOR UNOFFERED LANDS.

I, _____, of _____, being _____, have, on the _____ day of _____, A. D. 18—, settled and improved the _____ quarter of section No. _____, in township No. _____, of range No. _____, in the district of lands subject to sale at the land-office at _____, and containing _____ acres, which land has not yet been offered at public sale, and thus rendered subject to private entry; and I do hereby declare my intention to claim the said tract of land as a pre-emption right under section 2259 of the Revised Statutes of the United States.

Given under my hand this _____ day of _____, A. D. 18—.

In presence of _____.

[No. 4-061.]

AFFIDAVIT REQUIRED OF PRE-EMPTION CLAIMANT.

I, _____, claiming the right of pre-emption, under section 2259 of the Revised Statutes of the United States, to the _____ of section No. _____, of township No. _____, of range No. _____, subject to sale at _____, do solemnly _____ that I have never had the benefit of any right of pre-emption under said section; that I am not the owner of 320 acres of land in any State or Territory of the United States, nor have I settled upon and improved said land to sell the same on speculation, but in good faith to appropriate it to my own exclusive use or benefit; and that I have not, directly or indirectly, made any agreement or contract, in any way or manner, with any person or persons whomsoever, by which the title which I may acquire from the Government of the United States should inure, in whole or in part, to the benefit of any person except myself.

I, _____, of the Land Office at _____, do hereby certify that the above affidavit was subscribed and sworn to before me this _____ day of _____, A. D. 18—.

[No. 4-374a.]

PRE-EMPTION PROOF.—TESTIMONY OF CLAIMANT.

_____, being called as a witness in _____ own behalf in support of _____ pre-emption claim to the _____, testifies as follows:

Ques. 1. What is your name (written in full and correctly spelled) and age?

Ans. _____.

Ques. 2. Are you the head of a family (if so, of whom does it consist), or a single person?

Ans. _____.

Ques. 3. Are you a native-born or naturalized citizen of the United States?*

Ans. _____.

Ques. 4. Is your pre-emption claim, above described, within the limits of an incorporated town, or selected site of a city or town, or used in any way for trade and business? 2d. Did you leave other land of your own to settle on your present claim? 3d. Have you ever made a pre-emption filing or entry for land other than that you now seek to enter? If so, describe the same. (Answer to the point and in detail.)

Ans. 1st, _____; 2d, _____; 3d, _____.

*In case the party is of foreign birth, a copy of his declaration of intention to become a citizen, or full naturalization certificate, officially certified, must be filed with the case.

Ques. 5. When did you first make *settlement* on the above-described land? 2d. What was your first act of settlement? 3d. Were there any improvements on the land when you settled? If so, state who then owned them and whether you purchased the same. 4th. What improvements have you made on the land since settlement, and what is the value of same?

Ans. 1st, _____; 2d, _____; 3d, _____; 4th, _____.

Ques. 6. When did you first establish an actual *residence* on the land you now seek to enter? 2d. Has your residence thereon since been continuous? 3d. What use have you made of the land? 4th. How much of the land, if any, have you broken and cultivated since settlement, and what kind and quantity of crops have you raised?

Ans. 1st, _____; 2d, _____; 3d, _____; 4th, _____.

Ques. 7. Are either of the parties who have testified as your witnesses in this case related to you by blood or marriage? If so, state how related.

Ans. _____.

I hereby certify that each question and answer in the foregoing testimony was read to claimant before being subscribed, and was sworn to before me this _____ day of _____, 188—.

PRE-EMPTION PROOF.—TESTIMONY OF WITNESS.

(The testimony of two witnesses, in this form, taken separately, required in each case.)

_____, being called as a witness in support of the pre-emption claim of _____ to the _____, testifies as follows:

Ques. 1. What is your post-office address?

Ans. _____.

Ques. 2. How long have you known claimant, and what is _____ age?

Ans. _____.

Ques. 3. Is claimant married or single? 2d. Of whom does _____ family (if any) consist? 3d. Is _____ a native or naturalized citizen?

Ans. 1st, _____; 2d, _____; 3d, _____.

Ques. 4. Are you familiar with the character of the land? 2d. Are there any indications of coal, minerals, or salines thereon? (If so state plainly the nature.) 3d. Is it more valuable for agricultural than mining purposes? 4th. Do you reside in its vicinity? 5th. Is it within the limits of an incorporated town, or selected town site, or used, in any way, for purposes of trade or business? (Answer to the point and in detail.)

Ans. 1st, _____; 2d, _____; 3d, _____; 4th, _____; 5th, _____.

Ques. 5. Is claimant the owner of 320 acres in this or any other State or Territory? 2d. Did _____ leave or abandon a residence on _____ own land in this _____ to reside on the land herein described? 3d. Has _____ ever filed for or entered other land under the pre-emption law? 4th. Has _____ mortgaged or agreed to sell the land herein described?

Ans. 1st, _____; 2d, _____; 3d, _____; 4th, _____.

Ques. 6. When did claimant first settle on _____ claim? 2d. What was _____ first act of settlement? 3d. What improvements has _____ on the land? 4th. What is the value of such improvements? 5th. When did _____ commence _____ residence thereon? 6th. Has _____ residence been continuous? 7th. What use has _____ made of the land? 8th. How much land has _____ broken and cultivated? (Answer to the point and in detail.)

Ans. 1st, _____; 2d, _____; 3d, _____; 4th, \$_____; 5th, _____; 6th, _____; 7th, _____; 8th, _____ acres.

Ques. 7. Are you in any way interested in this claim, or, by blood or marriage, related to claimant?

Ans. _____.

I hereby certify that witness is a person of respectability; that the foregoing testimony was read to _____ before being subscribed, and was sworn to before me this _____ day of _____, 188—.

NOTE.—The officer before whom the testimony is taken should call the attention of the witness to section 5392 of the Revised Statutes (hereinbefore printed, page 60), and state to him that it is the purpose of the Government, if it be ascertained that he testifies falsely, to prosecute him to the full extent of the law.

[No. 4-007.]

HOMESTEAD APPLICATION.

APPLICATION No. —. LAND OFFICE AT —, (Date) —, 18—. I, —, of —, do hereby apply to enter, under section 2289 of the Revised Statutes of the United States, the — of section —, in township —, of range —, containing — acres.

LAND OFFICE AT —, (Date) —, 18—.

I, —, register of the Land Office, do hereby certify that the above application is for surveyed lands of the class which the applicant is legally entitled to enter under section 2289 of the Revised Statutes of the United States, and that there is no prior valid adverse right to the same.

—, Register.

[No. 4-063.]

HOMESTEAD AFFIDAVIT.

LAND OFFICE AT —, (Date) —, 18—.

I, —, of —, having filed my application No. —, for an entry under section 2289 of the Revised Statutes of the United States, do solemnly swear that [*here state whether the applicant is the head of a family, or over twenty-one years of age; whether a citizen of the United States, or has filed his declaration of intention of becoming such; or, if under twenty-one years of age, that he has served not less than fourteen days in the Army or Navy of the United States during actual war; that said application, No. —, is made for his or her exclusive benefit; and that said entry is made for the purpose of actual settlement and cultivation, and not, directly or indirectly, for the use or benefit of any other person or persons whomsoever*], and that I have not heretofore had the benefit of said section 2289.

Sworn to and subscribed this — day of —, before

—, Register [or Receiver].

[No. 4-137.]

Receiver's receipt, No. —.

Application No. —.

HOMESTEAD RECEIPT.

RECEIVER'S OFFICE, —, (Date) —, 18—.

Received from —, of — county, —, the sum of — dollars and — cents, being the amount of fee and compensation of register and receiver for the entry of — of section —, in township —, of range —, under section —, Revised Statutes of the United States.

—, Receiver.

\$—.

[No. 4-348.]

HOMESTEAD NOTICE OF INTENTION TO MAKE FINAL PROOF.

LAND OFFICE AT —, (Date) —, 18—.

I, —, of —, who made homestead application No. — (or pre-emption declaratory statement No. —), for the —, do hereby give notice of my intention to make final proof to establish my claim to the land above described, and that I expect to prove my residence and cultivation before —, at —, on —, 18—, by two of the following witnesses:

—, of —.
—, of —.
—, of —.
—, of —.

—, (Signature of claimant.)

LAND OFFICE AT _____,
(Date) _____, 18—.

Notice of the above application will be published in the _____, printed at _____, which I hereby designate as the newspaper published nearest the land described in said application. _____, *Register*.

NOTICE TO CLAIMANT.—Give time and place of proving up, and name and title of the officer before whom proof is to be made; also, give names and post-office addresses of four neighbors, two of whom must appear as your witnesses.

[No. 4-347.]

HOMESTEAD NOTICE FOR PUBLICATION.

LAND OFFICE AT _____,
_____, 18—.

Notice is hereby given that _____ has filed notice of intention to make final proof before _____, at _____, on _____, 18—, on homestead application No. _____ (or pre-emption declaratory statement No. _____), for the _____.

He names as witnesses _____, of _____, and _____, of _____. _____, *Register*.

NOTE.—This notice must also be posted in a conspicuous place in the Land Office for a period of thirty days prior to date of final proof.

HOMESTEAD CONSOLIDATED NOTICE FOR PUBLICATION.

LAND OFFICE AT _____,
_____, 18—.

Notice is hereby given that the following named settlers have filed notice of intention to make final proof on their respective claims before _____, at _____, on _____, 18—, viz:

_____, on homestead application No. _____, for the _____.

Witnesses: _____, of _____, and _____, of _____.

_____, on pre-emption declaratory statement No. _____, for the _____.

Witnesses: _____, of _____, and _____, of _____.

_____, *Register*.

[No. 4-227.]

HOMESTEAD.—CERTIFICATE AS TO THE POSTING OF NOTICE.

LAND OFFICE AT _____,
(Date) _____, 18—.

I, _____, register, do hereby certify that a notice, a printed copy of which is hereto attached, was by me posted in a conspicuous place in my office for a period of thirty days, I having first posted said notice on the _____ day of _____, 18—.

_____, *Register*.

[No. 4-070.]

HOMESTEAD PROOF.—FINAL AFFIDAVIT.

I, _____, having made a homestead entry of the _____ section No. _____, in township No. _____, of range No. _____, subject to entry at _____, under section 2289 of the Revised Statutes of the United States, do now apply to perfect my claim thereto by virtue of section 2291 of the Revised Statutes of the United States; and for that purpose do solemnly _____ that I am a citizen of the United States; that I have made actual settlement upon and have cultivated said land, having resided thereon since the _____ day of _____, 18—, to the present time; that no part of said land has been alienated, except as provided in section 2283 of the Revised Statutes, but that I am the sole *bona fide* owner as an actual settler; that I will bear true allegiance to the Government of the United States; and further, that I have not heretofore perfected or abandoned an entry made under the homestead laws of the United States.

I, _____, of the Land Office at _____, do hereby certify that the above affidavit was subscribed and sworn to before me this _____ day of _____, 18—.

[No. 4-369.]

(This form will be used both in final homestead proof and commutation proof.)

HOMESTEAD PROOF.—TESTIMONY OF CLAIMANT.

_____, being called as a witness in _____ own behalf in support of _____ homestead entry for _____, testifies as follows:

Ques. 1. What is your name, written in full, and correctly spelled; your age, and post-office address?

Ans. _____.

Ques. 2. Are you a native of the United States, or have you been naturalized? (See note.)

Ans. _____.

Ques. 3. When was your house built on the land, and when did you establish actual residence thereon? (Describe said house and other improvements which you have placed on the land, giving total value thereof.)

Ans. _____.

Ques. 4. Of whom does your family consist, and have you and your family resided continuously on the land since first establishing residence thereon? (If unmarried, state the fact.)

Ans. _____.

Ques. 5. For what period or periods have you been absent from the homestead since making settlement, and for what purpose; and, if temporarily absent, did your family reside upon and cultivate the land during such absence?

Ans. _____.

Ques. 6. How much of the land have you cultivated, and for how many seasons have you raised crops thereon?

Ans. _____.

Ques. 7. Are there any indications of coal, salines, or minerals of any kind on the land? (If so, describe what they are, and state whether the land is more valuable for agricultural than for mineral purposes.)

Ans. _____.

Ques. 8. Have you ever made any other homestead entry? (If so, describe the same.)

Ans. _____.

Ques. 9. Have you sold, conveyed, or mortgaged any portion of the land; and if so, to whom, and for what purpose?

Ans. _____.

I hereby certify that the foregoing testimony was read to the claimant before being subscribed, and was sworn to before me this _____ day of _____, 18—.

NOTE.—If naturalized, the claimant must file a certified copy of his certificate of naturalization. In a commuted homestead, a foreign-born claimant must file a certified copy of his declaration of intention. In making proof the party must surrender his original duplicate receipt or file affidavit of its loss.

[The testimony of two witnesses, in this form, taken separately, required in each case. This form will be used both in final homestead proof and commutation proof.]

HOMESTEAD PROOF.—TESTIMONY OF WITNESS.

_____, being called as a witness in support of the homestead entry of _____ for _____, testifies as follows:

Ques. 1. What is your occupation, and where is your residence?

Ans. _____.

Ques. 2. Have you been well acquainted with _____, the claimant in this case, ever since he made his homestead entry No. _____?

Ans. _____.

Ques. 3. Was claimant qualified to make said entry? (State whether the settler was a citizen of the United States; over the age of twenty-one years, or the head of a family, and whether he ever made a former homestead entry.)

Ans. _____.

Ques. 4. When did claimant settle upon the homestead, and at what date did he establish actual residence thereon? (Describe the dwelling and other improvements, giving total value thereof.)

Ans. _____.

Ques. 5. Have claimant and family resided continuously on the homestead since first establishing residence thereon? (If settler is unmarried, state the fact.)

Ans. _____.

Ques. 6. For what period or periods has the settler been absent from the land since making settlement, and for what purpose; and if temporarily absent, did claimant's family reside upon and cultivate the land during such absence?

Ans. _____.

Ques. 7. How much of the homestead has the settler cultivated, and for how many seasons did he raise crops thereon?

Ans. _____.

Ques. 8. Are there any indications of coal, salines, or minerals of any kind on the homestead? (If so describe what they are, and state whether the land is more valuable for agricultural than for mineral purposes.)

Ans. _____.

Ques. 9. Has the claimant mortgaged, sold, or contracted to sell any portion of said homestead?

Ans. _____.

Ques. 10. Are you interested in this claim, and do you think the settler has acted in entire good faith in perfecting this entry?

Ans. _____.

I hereby certify that the witness is a person of respectability; that the foregoing testimony was read to him before being subscribed, and was sworn to before me this _____ day of _____, 18—.

NOTE.—The officer before whom the testimony is taken should call the attention of the witness to section 3392 of the Revised Statutes (hereinbefore printed, page 60), and state to him that it is the purpose of the Government, if it be ascertained that he testified falsely, to prosecute him to the full extent of the law.

[No. 4-140.]

Receiver's Final Receipt, No. _____.

Application No. _____.

HOMESTEAD FINAL RECEIPT.

RECEIVER'S OFFICE _____,
(Date) _____, 18—.

Received from _____, of _____ county, —, the sum of _____ dollars and _____ cents, being the balance of payment required by law for the entry of the _____ of section _____, in township _____, of range _____, containing _____ acres, under section _____ of the Revised Statutes of the United States.

\$_____.

_____, Receiver.

[No. 4-196.]

Final Certificate No. _____.

Application No. _____.

HOMESTEAD FINAL CERTIFICATE.

LAND OFFICE AT _____,
(Date) _____, 18—.

It is hereby certified, pursuant to section 2291, Revised Statutes of the United States, that _____, of _____ county, _____, has made payment in full for _____ of section No. _____, in township No. _____, of range No. _____, containing _____ acres.

Now, therefore, be it known, that on presentation of this certificate to the Commissioner of the General Land Office, the said _____ shall be entitled to a patent for the tract of land above described.

_____, Register.

[No. 4-069.]

[To be used in cases of commuted homestead entries. For taking the testimony of claimant and his witnesses in making commutation proof, use the prescribed forms for "Homestead Proof."]

COMMUTED HOMESTEAD AFFIDAVIT.

[Section 2301 of the Revised Statutes of the United States.]

I _____, claiming the right to commute, under section 2301 of the Revised Statutes of the United States, my homestead entry, No. _____, made upon the _____ section _____, township _____, range _____, do solemnly swear that I made settlement upon said land on the _____ day of _____, 18—, and that since such date, to wit: on the _____ day of _____, 18—, I have built

a house on said land, and have continued to reside therein up to the present time; that I have broken and cultivated — acres of said land, and that no part of said land has been alienated, except as provided in section 2283 of the Revised Statutes, but that I am the sole *bona fide* owner as an actual settler.

I further swear that I have not heretofore perfected or abandoned an entry made under the homestead laws of the United States.

LAND OFFICE, _____.

Subscribed and sworn to before me this — day of —.

_____, Register.

[No. 4-066.]

ADJOINING FARM HOMESTEAD AFFIDAVIT.

LAND OFFICE AT _____,
(Date) _____, 18__.

I, _____, of _____, having filed my application No. — for an entry under the provisions of the act of Congress approved May 20, 1862, entitled "An Act to secure homesteads to actual settlers on the public domain," do solemnly swear that _____ [here state whether the applicant is the head of a family, or over twenty-one years of age; whether a citizen of the United States, or has filed his declaration of intention of becoming such, or if under twenty-one years of age, that he has served not less than fourteen days in the Army or Navy of the United States during actual war]; that said entry is made for my exclusive benefit, and not directly or indirectly for the benefit or use of any other person or persons whomsoever; neither have I heretofore perfected or abandoned an entry made under this act; that the land embraced in said application No. — is intended for an adjoining farm homestead; that I now own and reside upon an original farm containing — acres, and no more; that the same comprises the — of section —, township —, range —, and is contiguous to the tract this day applied for.

Sworn to and subscribed this — day of —, before _____,
_____ of the Land Office.

[No. 4-067.]

ADJOINING FARM HOMESTEAD FINAL AFFIDAVIT.

[Section 2291, Revised Statutes.]

I, _____, having made a homestead entry of the — section No. —, in township No. —, of range No. —, subject to entry at —, for the use of an adjoining farm owned and occupied by me on the — of section No. —, in township No. — of range No. —, under section 2289 of the Revised Statutes, do now apply to perfect my claim thereto by virtue of section 2291 of the same, and for that purpose do solemnly — that I am a citizen of the United States; that I have continued to own and occupy the land constituting my original farm, having resided thereon since the — day of —, 18—, to the present time, and have made use of the said entered tract as a part of my homestead, and have improved the same in the following manner, viz: —. That no part of said land has been alienated, but that I am the sole *bona fide* owner as an actual settler; that I will bear true allegiance to the Government of the United States; and, further, that I have not heretofore perfected or abandoned an entry under the homestead laws.

I, _____, of the land office at _____, do hereby certify that the above affidavit was taken and subscribed before me this — day of —, 18—.

[No. 4-071.]

[To be used in making final proof in cases where pre-emption filings have been changed to homestead entries under the acts of March 3, 1877, and May 27, 1878.]

PRE-EMPTION HOMESTEAD AFFIDAVIT.

I, _____, having changed my pre-emption declaratory statement No. —, filed the — day of —, 18—, alleging settlement the — day of —, 18—, for the — section No.

—, in township No. —, of range No. —, to homestead entry original No. —, district of lands subject to entry at —, under the acts of Congress approved March 3, 1877, and May 27, 1878, do solemnly swear that I have never had the benefit of any right of pre-emption under section 2259 of the Revised Statutes of the United States; that I have not heretofore filed a pre-emption declaratory statement for another tract of land; that I was not the owner of three hundred and twenty acres of land in any State or Territory of the United States at any time during the above-mentioned period of settlement under the pre-emption statutes; that I did not remove from my own land within the State of — to make the settlement above referred to; nor have I settled upon and improved said land to sell the same on speculation, but in good faith to appropriate it to my exclusive use or benefit; and that I did not, during the period of pre-emption settlement above mentioned, directly or indirectly, make any agreement or contract, in any way or manner, with any person or persons whatsoever, by which the title which I might acquire from the Government of the United States would inure, in whole or in part, to the benefit of any person except myself.

I, —, of the land office at —, do hereby certify that the above affidavit was subscribed and sworn to before me this — day of —, 18—.

[No. 4-018.]

ADDITIONAL HOMESTEAD APPLICATION.

Application }
No. —. }

LAND OFFICE AT —,
(Date) —, 18—.

I, —, of —, do hereby apply to enter, under the act of March 3, 1879, the — of section —, in township —, of range —, containing — acres, as additional to my entry No. —, for the — of —, section —, in township —, of range —.

LAND OFFICE AT —,
(Date) —, 18—.

I, —, register of the land office, do hereby certify that the above application is for surveyed lands of the class which the applicant is legally entitled to enter under the act of March 3, 1879, and that there is no prior valid adverse right to the same.

—, Register.

[No. 4-086.]

ADDITIONAL HOMESTEAD AFFIDAVIT.

LAND OFFICE AT —,
(Date) —, 18—.

I, —, of —, having filed my application No. — for an entry under the act of March 3, 1879, do solemnly swear that [*here state whether the applicant is the head of a family, or over twenty-one years of age; whether a citizen of the United States, or has filed his declaration of intention of becoming such; or, if under twenty-one years of age, that he has served not less than fourteen days in the Army or Navy of the United States during actual war*]; that said application No. — is made for my exclusive benefit; and that said entry is made for the purpose of actual settlement and cultivation, and not, directly or indirectly, for the use or benefit of any other person or persons whomsoever, and that I have not heretofore had the benefit of said act.

Sworn to and subscribed this — day of —, before

—,
Register [or Receiver].

[No. 4-546.]

SOLDIER'S DECLARATORY STATEMENT.

No. —.

I, —, of — county and State or Territory of —, do solemnly swear that I served for a period of — in the Army of the United States during the war

of the rebellion, and was honorably discharged therefrom, as shown by a statement of such service herewith, and that I have remained loyal to the Government; that I have never made homestead entry or filed a declaratory statement under sections 2290 and 2304 of the Revised Statutes; that I have located as a homestead under said statute the _____, and hereby give notice of my intention to claim and enter said tract; that this location is made for my exclusive use and benefit, for the purpose of my actual settlement and cultivation, and not either directly or indirectly for the use or benefit of any other person.

My present post-office address is _____.

Sworn and subscribed before me this _____ day of _____, 18—.

[SEAL.]

NOTE.—This form may be used where the soldier files his own declaratory statement.

[No. 4-545.]

SOLDIER'S DECLARATORY STATEMENT (FILED BY AN AGENT).

No. _____.

I, _____, of _____ county and State or Territory of _____, do solemnly swear that I served for a period of _____ in the Army of the United States during the war of the rebellion, and was honorably discharged therefrom, as shown by a statement of such service herewith, and that I have remained loyal to the Government; that I have never made homestead entry or filed a declaratory statement under sections 2290, 2304, or 2309 of the Revised Statutes; that I have appointed, by power of attorney duly executed on the _____ day of _____ (or I do hereby appoint), _____, of _____ county and State of _____, my true and lawful agent, under section 2309 aforesaid, to select for me and in my name, and file my declaratory statement for a homestead right under the aforesaid sections; and I hereby give notice of my intention to claim and enter said tract under said statute; that the location herein authorized is made for my exclusive use and benefit, for the purpose of my actual settlement and cultivation, and not either directly or indirectly for the use and benefit of any other person; that my said attorney has no interest, present or prospective, in the premises, and that I have made no arrangement or agreement with him or any other person for any sale or attempted sale or relinquishment of my claim in any manner or for any consideration whatever, and that I have not signed this declaration in blank.

Sworn and subscribed before me this _____ day of _____, 18—, and I certify that the foregoing declaration was fully filled out before being subscribed or attested.

[Official seal.]

By virtue of the foregoing, and of a certain power of attorney therein named, duly executed on the _____ day of _____, and filed herewith, I hereby select the _____ as the homestead claim of _____, the aforesaid, and do solemnly swear that the same is filed in good faith for the purposes therein specified, and that I have no interest or authority in the matter, present or prospective, beyond the filing of the same as the true and lawful agent of the said _____, as provided by section 2309 of the Revised Statutes of the United States.

_____, Agent.

Sworn and subscribed before me this _____ day of _____, 18—.

[Official seal.]

NOTE.—This form may be used where the declaratory statement is filed by an agent under section 2309 Revised Statutes.

[No. 4-015.]

SOLDIER'S HOMESTEAD APPLICATION.

(Section 2304 of the Revised Statutes of the United States.)

LAND OFFICE AT _____,
(Date) _____, 18—.

I, _____, hereby apply to enter, under section 2304 of the Revised Statutes of the United States, the _____ of section _____, of township _____, of range _____, containing _____ acres; and for which I filed my soldier's declaratory statement, No. _____, on the _____ day of _____, through _____, my duly-appointed agent.

I, _____, register of the land office at _____, do hereby certify that _____ filed the above application at this office on the _____ day of _____, and that he has taken the oath and paid the fees and commissions prescribed by law.

_____, *Register.*

[No. 4-065.]

SOLDIER'S HOMESTEAD AFFIDAVIT.

(Section 2304 of the Revised Statutes of the United States.)

No. _____.

LAND OFFICE AT _____,
(Date) _____, 18—.

I, _____, of _____, do solemnly swear that I am a _____, of the age of twenty-one years and a citizen of the United States; that I served for ninety days in company _____, _____ regiment, United States volunteers; that I was mustered into the United States military service the _____ day of _____, and was honorably discharged therefrom on the _____ day of _____; that I have since borne true allegiance to the Government; and that I have made my application, No. _____, to enter a tract of land under section 2304 of the Revised Statutes of the United States, giving homesteads to honorably-discharged soldiers and sailors, their widows and orphan children; that I have made said application in good faith, and that I take said homestead for the purpose of actual settlement and cultivation, and for my own exclusive use and benefit, and for the use and benefit of no other person or persons whomsoever; and that I have not heretofore acquired a title to a tract of land under the homestead laws, or voluntarily relinquished or abandoned an entry heretofore made under said laws: so help me God.

Sworn to and subscribed before me, _____, register of the Land Office at _____, this _____ day of _____, 18—.

_____, *Register.*

[No. 4-008.]

SOLDIERS' ADDITIONAL HOMESTEAD APPLICATION.

No. _____.

LAND OFFICE AT _____,
(Date) _____, 18—.

I, _____, of _____ county, State of _____, being entitled to the benefits of section 2306 of the Revised Statutes of the United States, granting additional lands to soldiers and sailors who served in the war of the rebellion, do hereby apply to enter the _____ of section _____, of township _____, of range _____, containing _____ acres, as additional to my original homestead on the _____ of section _____, of township _____, of range _____, containing _____ acres, which I entered _____, 18—, per homestead No. _____.

LAND OFFICE AT _____,
(Date) _____, 18—.

I, _____, register of the land office at _____, do hereby certify that _____ filed the above application before me for the tract of land therein described, and that he has paid the fee and commissions prescribed by law.

_____, *Register.*

[No. 4-197.]

SOLDIERS' ADDITIONAL HOMESTEAD—REGISTER'S CERTIFICATE.

LAND OFFICE AT _____,
(Date) _____, 18—.

Final Certificate }
No. _____ }

{ Application
No. _____ }

It is hereby certified that, pursuant to the provisions of section 2306 of the Revised Statutes of the United States, _____ has paid the fee and commissions, and made entry of the _____ of section _____, of township _____, of range _____, containing _____ acres, which, added to the quantity embraced in his original homestead No. _____, on which he made his final proof, as per certificate No. _____, does not exceed 160 acres.

Now, therefore, be it known that, on presentation of this certificate to the Commissioner of the General Land Office, the said _____ shall be entitled to a patent for the tract of land above described.

_____, *Register.*

[No. 4-079.]

INDIAN HOMESTEAD AFFIDAVIT.

I, _____, of _____, having filed my application No. _____ for an entry under the provisions of the act of Congress of March 3, 1875, do solemnly swear that I am an Indian, formerly of the _____ tribe; that I was born in the United States; that I have abandoned my relations with that tribe and adopted the habits and pursuits of civilized life [*here state whether the applicant is twenty-one years of age, or the head of a family*]; that I desire said land for the purpose of actual settlement and cultivation, and not, directly or indirectly, for the use or benefit of any other person or persons whomsoever; and that I have not heretofore had the benefit of said act.

Sworn to and subscribed before me this _____ day of _____, 18—.

Register [or Receiver].

[No. 4-077.]

INDIAN HOMESTEAD CORROBORATIVE AFFIDAVIT.

_____ and _____ do solemnly swear that we are well acquainted with _____, and know that he is an Indian, formerly of the _____ tribe; that he was born in the United States; that he has abandoned his relations with that tribe, and adopted the habits and pursuits of civilized life [*here state that he is twenty-one years of age, or, if not, that he is the head of a family*].

Sworn to and subscribed before me this _____ day of _____, 18—.

[No. 4-009.]

TIMBER-CULTURE APPLICATION.

I, _____, hereby apply to enter, under the provisions of the act of June 14, 1878, entitled "An Act to amend an act entitled 'An Act to encourage the growth of timber on the Western Prairies,'" the _____ of section _____, in township _____, of range _____, containing _____ acres.

LAND OFFICE AT _____,
(Date) _____, 18—.

I, _____, register of the land office, do hereby certify that the above application is for the class of lands which the applicant is legally entitled to enter under the provisions of the timber-culture act of June 14, 1878; that there is no prior valid adverse right to the same, and that the land therein described, together with the lands heretofore entered under this act and the acts of which this is amendatory in the said section, does not exceed one-quarter thereof.

_____, Register.

[No. 4-073.]

TIMBER-CULTURE AFFIDAVIT.

LAND OFFICE AT _____,
(Date) _____, 18—.

I, _____, having filed my application No. _____ for an entry under the provisions of an act entitled "An Act to amend an act entitled 'An Act to encourage the growth of timber on the Western Prairies,'" approved June 14, 1878, do solemnly _____ that I am the head of a family [*or over twenty-one years of age*], and a citizen of the United States [*or have declared my intention to become such*]; that the section of land specified in my said application is composed exclusively of prairie lands, or other lands devoid of timber; that this filing and entry is made for the cultivation of timber, and for my own exclusive use and benefit; that I have made the said application in good faith, and not for the purpose of speculation, or directly or indirectly for the use or benefit of any other person or persons whomsoever; that I intend to hold and cultivate the land, and to fully comply with the provisions of this said act; and that I have not heretofore made an entry under this act, or the acts of which this is amendatory.

Sworn to and subscribed before me this _____ day of _____, 18—.

[No. 4-142.]

TIMBER-CULTURE RECEIPT.

Receiver's Receipt, No. —.

Application, No. —.

RECEIVER'S OFFICE, —,
(Date) —, 18—.

Received of — the sum of — dollars — cents, being the amount of fee and compensation of register and receiver for the entry of — of section —, in township —, of range —, under the first section of the act of Congress approved June 14, 1878, entitled "An act to amend an act entitled 'An act to encourage the growth of timber on the western prairies.'"

\$—, —, Receiver.

[No. 4-093.]

TIMBER-CULTURE FINAL AFFIDAVIT.

(Acts of March 3, 1873, March 13, 1874, and June 14, 1878.)

I, —, having, on the — day of —, 18—, made a timber-culture entry, No. —, of the — of section —, in township — of range —, subject to entry at —, under the timber-culture laws of the United States, do hereby apply to perfect my claim thereto by virtue of the seventh section of the act of June 14, 1878, entitled "An act to amend an act entitled 'An act to encourage the growth of timber on the western prairies,'" and for that purpose do solemnly — that my aforesaid entry was made in good faith, and not for the purpose of speculation, or directly or indirectly for the use or benefit of any other person or persons whomsoever; that I have not heretofore made any other entry under the timber-culture laws of the United States; and I do further — that the section of land specified in my aforesaid entry is composed exclusively of prairie lands or other lands devoid of timber, and that said entry was made for the cultivation of timber, and that I have planted on said land, cultivated, protected, and kept in a healthy growing condition for and during the period of eight (8) years last past — acres of — (here describe the kinds) timber; that not less than — trees were planted on each acre, and that there are now at least — (here state the number) living and thrifty trees to and upon each acre, aggregating in total the number of — trees.

Sworn and subscribed to before me this — day of —, 18—.

[No. 4-385.]

TIMBER-CULTURE PROOF.—TESTIMONY OF CLAIMANT.

(Acts of March 3, 1873, March 13, 1874, and June 14, 1878.)

—, being called as a witness in — own behalf, in support of — timber-culture entry No. —, for — section —, township —, of range —, — meridian, in the district of lands subject to entry at —, testifies as follows:

Ques. 1. What is your name, (written in full and correctly spelled,) your age, and post-office address?

Ans. —.

Ques. 2. Describe your timber-culture entry, giving the date thereof and the number of acres embraced therein.

Ans. —.

Ques. 3. What number of acres of said land was broken by you during the first year, what number broken during the second year, and what number broken during the third year, respectively, after the date of your entry? Give the day, month, and year, as nearly as practicable, in each instance, when the several breakings were done; describe the method of breaking, and in what way your measurements were made.

Ans. —.

Ques. 4. Describe the way in which the ground was prepared, and state how many acres of said tract were planted to trees during the *second* year of your entry, giving the day, month, and year, as nearly as practicable, when the planting was done, the kind or kinds of trees planted; and state how you know the area or number of acres so prepared and planted during said *second* year.

Ans. —.

Ques. 5. Describe the way in which the ground was prepared, and state how many acres of said tract were planted to trees during the *third* year of your entry, giving the day,

month, and year, as nearly as practicable, when the planting was done, the kind or kinds of trees planted; and state how you know the area or number of acres so planted during said *third* year.

Ans. _____.

Ques. 6. Describe the way in which the ground was prepared, and state how many acres of said tract were planted to trees during the *fourth* year of your entry, giving the day, month, and year, as nearly as practicable, when the planting was done, the kind or kinds of trees planted; and state how you know the area or number of acres so planted during said *fourth* year.

Ans. _____.

Ques. 7. If you have received an extension of time for planting on account of the destruction of your trees, seeds, or cuttings, by grasshoppers, or by extreme and unusual drouth, state the year or years in which extension was had, and give all the particulars. How did you proceed to obtain such extension?

Ans. _____.

Ques. 8. How many acres of timber have you planted, cultivated, protected, and kept in a healthy growing condition for the period of eight (8) years, last preceding, on the tract embraced in your entry?

Ans. _____.

Ques. 9. Describe the condition of the trees now growing on said tract, giving their average diameter and height, as near as you can, the kind or kinds of trees, the number of trees per acre now growing thereon, and state how you know the facts to which you testify.

Ans. _____.

Ques. 10. Have you ever heretofore made any other timber-culture entry? If so, describe such entry or entries and state all the particulars.

Ans. _____.

Ques. 11. Is the section specified in your entry composed of prairie land, or was it devoid of timber at the date of your entry.

Ans. _____.

Ques. 12. State anything further within your personal knowledge which you have to offer regarding your aforesaid entry.

Ans. _____.

I hereby certify that each question and answer in the foregoing testimony was read to the claimant before _____ signed _____ name thereto, and that the same was subscribed and sworn to before me this _____ day of _____, 18—.

NOTE.—The officer before whom the testimony is taken should call the attention of the witness to section 5392 of the Revised Statutes, and also to section 5 of the act of March 3, 1857, (11 Stats., 2-0,) hereinbefore printed (page 60), which is made by statute specifically applicable to all oaths, affirmations, and affidavits required or authorized under the timber-culture acts.

[No. 4-386.]

[The testimony of two witnesses, in this form, taken separately, required in each case.]

TIMBER-CULTURE PROOF.—TESTIMONY OF WITNESS.

(Acts of March 3, 1873, March 13, 1874, and June 14, 1878.)

_____, being called as a witness in support of the timber-culture entry of _____, No. _____, for the _____ of section _____, township _____, of range _____, _____ meridian, in the district of lands subject to entry at _____, testifies as follows:

Ques. 1. What is your name, age, occupation, and residence?

Ans. _____.

Ques. 2. Are you well acquainted with _____, the claimant; and if so, since what time have you known him?

Ans. _____.

Ques. 3. If you have personal knowledge regarding claimant's timber-culture entry, give the date when said entry was made, describe the tract or tracts, and state the number of acres embraced therein.

Ans. _____.

Ques. 4. How far do you reside from the land described, and have you had continuous personal knowledge of said land and the improvements thereon during the last eight (8) years?

Ans. _____.

Ques. 5. Was the section embracing the entry of the claimant composed of prairie lands or other lands devoid of timber? Describe the land embraced in said section, whether undu-

lating or otherwise; and if any natural timber was growing on the tract named at the date of entry, state the kind or kinds of trees so growing, and their number, situation, and size.

Ans. _____.

Ques. 6. How many acres of the land embraced in claimant's entry were broken by him during the first year, how many during the second year, how many during the third year, respectively, after the date of entry? Give the day, month, and year, in each instance, as near as practicable, when the several breakings were done; describe the method of breaking, and in what way your measurements were made, or how you know the area or number of acres broken.

Ans. _____.

Ques. 7. Describe the way in which the ground was prepared, and state how many acres of said tract were planted to trees during the *second* year of said entry, giving the day, month, and year, as near as practicable, when the planting was done, the kind or kinds of trees planted; and state how you know the area or number of acres so prepared and planted during said second year.

Ans. _____.

Ques. 8. Describe the way in which the ground was prepared, and state how many acres of said tract were planted to trees during the *third* year of said entry, giving the day, month, and year, as near as practicable, when the planting was done, the kind or kinds of trees planted; and state how you know the area or number of acres so prepared and planted during said third year.

Ans. _____.

Ques. 9. Describe the way in which the ground was prepared, and state how many acres of said tract were planted to trees during the *fourth* year of said entry, giving the day, month, and year, as near as practicable, when the planting was done, the kind or kinds of trees planted; and state how you know the area or number of acres so prepared and planted during said fourth year.

Ans. _____.

Ques. 10. Has the claimant ever had the trees, seeds, or cuttings on the tract embraced in his timber-culture entry destroyed by grasshoppers or by extreme and unusual drouth? If so, state the year or years in which the destruction took place, and give all the facts within your personal knowledge.

Ans. _____.

Ques. 11. How many acres of timber on the tract described has the claimant planted, cultivated, protected, and kept in a healthy growing condition for the period of eight (8) years, last preceding, and from what source is your knowledge upon this point obtained?

Ans. _____.

Ques. 12. Describe the condition of the trees now growing on said tract, give their average diameter and height, as nearly as you can, the kind or kinds of trees, the number of trees to the acre, and state how you know the facts to which you testify.

Ans. _____.

Ques. 13. Has the claimant, to your knowledge, ever made any other timber-culture entry?

Ans. _____.

Ques. 14. Have you any interest, direct or indirect, in this claim?

Ans. _____.

Ques. 15. State any further facts which you may know of your own personal knowledge regarding the aforesaid timber-culture entry.

Ans. _____.

I hereby certify that the above-named _____ personally appeared before me, and that he is a credible witness; that the foregoing testimony was read to him before being subscribed, and was sworn to by him before me this _____ day of _____, 18—.

NOTE.—The officer before whom the testimony is taken should call the attention of the witness to section 5392 of the Revised Statutes, and also to section 5 of the act of March 3, 1857, (11 Stats., 250,) hereinbefore printed (page 60), which is made by statute specifically applicable to all oaths, affirmations, and affidavits required or authorized under the timber-culture acts.

[No. 4-148.]

TIMBER-CULTURE RECEIPT.

(Acts of March 3, 1873, March 13, 1874, and June 14, 1878.)

Final Receiver's Receipt No. —.

Application No. —.

RECEIVER'S OFFICE, _____,
(Date) _____, 18—.

Received of _____ the sum of _____ dollars _____ cents, being the balance of payment required by law for the timber-culture entry of the _____ of section _____ in township _____

— of range —, — meridian, containing — ¹⁰⁰ acres, under the acts of March 3, 1873, and March 13, 1874, and the act of June 14, 1878, amendatory thereof, entitled "An act to amend the act entitled 'An act to encourage the growth of timber on the western prairies.'" \$—, —, Receiver.

[No. 4-217.]

TIMBER CULTURE FINAL CERTIFICATE.

(Acts of March 3, 1873, March 13, 1874, and June 14, 1878.)

Final Certificate No. —.

Application No. —.

LAND OFFICE AT —,
(Date) —, 18—.

It is hereby certified that, in pursuance of the provisions contained in the acts of Congress of March 3, 1873, and March 13, 1874, and the act amendatory thereof of June 14, 1878, entitled "An act to amend the act entitled 'An act to encourage the growth of timber on the western prairies,'" —, of —, has made payment in full for — of section No. —, in township No. — of range No. —, — meridian, containing — ¹⁰⁰ acres.

Now, therefore, be it known that, on presentation of *this certificate to the Commissioner of the General Land Office*, the said — shall be entitled to a patent for the tract of land above described.

—, Register.

[No. 4-537.]

TIMBER AND STONE LANDS -SWORN STATEMENT.

LAND OFFICE AT —,
(Date) —, 18—.

I, —, of — county, —, desiring to avail myself of the provisions of the act of Congress of June 3, 1878, entitled "An act for the sale of timber lands in the States of California, Oregon, Nevada, and in Washington Territory," for the purchase of the — of section —, township —, of range —, do solemnly — that I* —; that the said land is unfit for cultivation, and valuable chiefly for its —; that it is uninhabited; that it contains no mining or other improvements —; nor, as I verily believe, any valuable deposit of gold, silver, cinnabar, copper, or coal; that I have made no other application under said act; that I do not apply to purchase the land above described on speculation, but in good faith to appropriate it to my own exclusive use and benefit; and that I have not, directly or indirectly, made any agreement or contract, or in any way or manner, with any person or persons whomsoever, by which the title which I may acquire from the Government of the United States may inure in whole or in part to the benefit of any person except myself.

Sworn to and subscribed before me this — day of —, 18—.

* In case the party has been naturalized, or has declared his intention to become a citizen, a certified copy of this certificate of naturalization or declaration of intention, as the case may be, must be furnished.

[No. 4-371.]

[The testimony of two witnesses, in this form, taken separately, required in each case.]

TIMBER AND STONE LANDS—TESTIMONY OF WITNESS.

—, being called as a witness in support of the application of — to purchase the — of section —, township —, of range —, testifies as follows:

Ques. 1. What is your post-office address, and where do you reside?

Ans. —.

Ques. 2. What is your occupation?

Ans. —.

Ques. 3. Are you acquainted with the land above described by personal inspection of each of its smallest legal subdivisions?

Ans. —.

Ques. 4. When and in what manner was such inspection made?

Ans. _____.

Ques. 5. Is it occupied; or are there any improvements on it not made for ditch or canal purposes, or which were not made by, or do not belong to, the said applicant?

Ans. _____.

Ques. 6. Is it fit for cultivation?

Ans. _____.

Ques. 7. What causes render it unfit for cultivation?

Ans. _____.

Ques. 8. Are there any salines, or indications of deposits of gold, silver, cinnabar, copper, or coal on this land? If so, state what they are, and whether the springs or mineral deposits are valuable.

Ans. _____.

Ques. 9. Is the land more valuable for mineral or any other purposes than for the timber or stone thereon, or is it chiefly valuable for timber or stone?

Ans. _____.

Ques. 10. From what facts do you conclude that the land is chiefly valuable for timber or stone?

Ans. _____.

Ques. 11. Do you know whether the applicant has directly or indirectly made any agreement or contract, in any way or manner, with any person whomsoever, by which the title which he may acquire from the Government of the United States may inure, in whole or in part, to the benefit of any person except himself?

Ans. _____.

Ques. 12. Are you in any way interested in this application, or in the lands above described, or the timber or stone, salines, mines, or improvements of any description whatever thereon?

Ans. _____.

I hereby certify that witness is a person of respectability; that each question and answer in the foregoing testimony was read to _____ before _____ signed _____ name thereto, and that the same was subscribed and sworn to before me this _____ day of _____, 18—.

NOTE.—The officer before whom the testimony is taken should call the attention of the witness to section 5392 of the Revised Statutes (hereinbefore printed on page 60), and state to him that it is the purpose of the Government, if it be ascertained that he testifies falsely, to prosecute him to the full extent of the law.

[No. 4-274.]

DESERT LAND DECLARATION.

No. _____.

LAND OFFICE AT _____,
(Date) _____, 18—.

I, _____, of _____ county, _____ of _____, being duly sworn, depose and declare, that I am a citizen of the United States, of the age of _____, and a resident of said county and _____, and by occupation a _____; that I intend to reclaim a tract of desert land, not exceeding one section, by conducting water upon the same, within three years from date, under the provisions of the act of Congress approved March 3, 1877, entitled "An Act to provide for the sale of desert lands in certain States and Territories." The desert land which I intend to reclaim does not exceed one section, and is situated in _____ county, in the _____ land district, and is described as follows, to wit: the _____ of section No. _____, township No. _____, range No. _____, containing _____ acres. I further depose that I have made no other declaration for desert lands under the provisions of said act; that the land above described will not, without irrigation, produce an agricultural crop; that there is no timber growing upon said land; that there is not, to my knowledge, within the limits thereof, any vein or lode of quartz, or other rock in place, bearing gold, silver, cinnabar, lead, tin, or copper, or any deposit of coal; that there is not within the limits of said land, to my knowledge, any placer, cement, gravel, or other valuable mineral deposit or salines; that no portion of said land is claimed for mining purposes, under the local customs or rules of miners, or otherwise; that no portion of said land is worked for mineral during any part of the year by any person or persons; that said land is essentially non-mineral land; that I became acquainted with said land by _____; and that my declaration therefor is not made for the purpose of fraudulently obtaining title to mineral land, timber land, or agricultural land, but for the purpose of faithfully reclaiming, within three years from the date hereof, by conducting water thereon, a tract of land which is desert land within the meaning of the act.

LAND OFFICE AT _____,
(Date) _____, 18—.

I hereby certify that the foregoing declaration was this day sworn to and subscribed before me.

_____, Register.
_____, Receiver.

[No. 4-074.]

DESERT LAND AFFIDAVIT.

No. —.

LAND OFFICE AT —, (Date) —, 18—.

I, —, of — county, —, being duly sworn, declare, upon oath, that I am a resident of said county and —; that I am of the age of —, and by occupation a —; that I am well acquainted with the character of each and every legal subdivision of the following-described land: the — section No. —, township No. —, range No. —, containing — acres; that I became acquainted with said land by —; that I have been acquainted with it for — years last past; that I have frequently passed over it; that my knowledge of said land is such as to enable me to testify understandingly concerning it; that the same is desert land within the meaning of the second section of the act of Congress approved March 3, 1877, entitled "An Act to provide for the sale of desert lands in certain States and Territories"; that said land will not, without artificial irrigation, produce any agricultural crop; that no agricultural crop has ever been raised or cultivated on said land for the reason that it does not contain sufficient moisture for successful cultivation; that the same is essentially dry and arid land, wholly unfit for cultivation without artificial irrigation; that said land cannot be successfully cultivated without reclamation by conducting water thereon; that said land has hitherto been unappropriated, unoccupied, and unsettled, because it has been impossible to cultivate it successfully on account of its dry and arid condition; that it is a fact well known, patent, and notorious that the same will not, in its natural condition, produce any crop, that the land is the —; that there is no timber growing thereon, but that it is devoid of timber; that there is not, to my knowledge, within the limits thereof, any vein or lode of quartz, or other rock in place, bearing gold, silver, cinnabar, lead, tin, or copper, or any deposit of coal; that there is not, within the limits of said land, to my knowledge, any placer, cement, gravel, or other valuable mineral deposit or salines; that no portion of said land is claimed for mining purposes under the local customs or rules of miners or otherwise; that no portion of said land is worked for mineral during any part of the year by any person or persons; that said land is essentially non-mineral land; that I am not interested in any way or manner, directly or indirectly, present or prospective, in any application or declaration made or to be made for said land or in the land itself, or in the title which may by any person or in any manner be acquired thereto.

[No. 4-199.]

DESERT LAND CERTIFICATE.

No. —.

UNITED STATES LAND OFFICE, —, 18—.

It is hereby certified that under the provisions of the act of Congress approved March 3, 1877, entitled "An Act to provide for the sale of desert lands in certain States and Territories," — has this day filed in this office his declaration of intention to reclaim the following-described tract of land, viz: —; that he has proven to our satisfaction that the said tract of land is desert land as defined in the second section of said act, and that he has paid to the receiver the sum of — dollars, being at the rate of twenty-five cents per acre for the land above described.

It is, therefore, further certified, that if within three years from the date hereof the said —, his heirs or legal representatives, shall satisfactorily prove that the said land has been reclaimed by carrying water thereon, and shall pay to the receiver the additional sum of one dollar per acre for the land above described, he or they shall be entitled to receive a patent therefor under the provisions of the said act.

\$—.

—, Register.
—, Receiver.

NOTE.—The word "heirs" is substituted in this form for the word "assignee," the Secretary of the Interior having declined to recognize the assignment of desert land claims.

[No. 4-143.]

DESERT LAND FINAL RECEIPT.

Receiver's Final Receipt, No. —.

Declaration No. —.

LAND OFFICE AT —, (Date) —, 18—.

Received from —, of — county, —, the sum of — dollars and — cents, being final payment of one dollar per acre for the — containing — acres, at one dollar and

twenty-five cents per acre, the sum of twenty-five cents per acre having been heretofore paid, as per original receipt No. —.

\$—.

—, Receiver.

[No. 4-200.]

DESERT LAND FINAL CERTIFICATE.

Register's Final Certificate No. —.

Declaration No. —.

LAND OFFICE AT —,

(Date) —, 18—.

It is hereby certified that, in pursuance of the act of Congress approved March 3, 1877, entitled "An Act to provide for the sale of desert lands in certain States and Territories," —, of — county, State or Territory of —, has purchased of the register of this office, and made payment in full for the land described as follows, to wit: —, containing — acres, at the rate of one dollar and twenty-five cents per acre, amounting to — dollars.

Now, therefore, be it known, that on presentation of this certificate to the Commissioner of the General Land Office the said — shall be entitled to receive a patent for the tract of land above described.

—, Register.

[No. 4-372.]

DESERT-LAND FINAL PROOF—DEPOSITION OF APPLICANT.

Ques. 1. State your name, age, occupation, and residence.

Ans. —.

Ques. 2. Are you a citizen of the United States, or, if not, have you declared your intention to become such? (If not native born, proof-record must be furnished.)

Ans. —.

Ques. 3. If you have heretofore made a desert-land entry, give the number and date thereof, and describe the land embraced therein.

Ans. —.

Ques. 4. Have you conducted water upon the land embraced in said entry, and irrigated the same, and reclaimed it from its former desert character to such an extent that it will now produce an agricultural crop?

Ans. —.

Ques. 5. What crops have you raised upon said land in each and every year since your first entry thereon under your declaration No. —?

Ans. —.

Ques. 6. How many acres have been sown or planted in each year, in what crops, and upon what portion or subdivision of the land, and what amount of such crops has been actually produced?

Ans. —.

Ques. 7. What crops, if any, had been grown upon the land, or upon any portion thereof, and, if any, upon what portion, previous to your entry thereon?

Ans. —.

Ques. 8. Would the land, or any portion of it, by cultivation without irrigation, have produced any agricultural crop whatever, and, if so, what crop?

Ans. —.

Ques. 9. Was there any natural water supply upon such land sufficient to fertilize or irrigate the whole or any portion thereof, and, if so, what portion? State fully.

Ans. —.

Ques. 10. Has the amount of water conveyed upon the land in any one season been sufficient to so irrigate the entire tract as to render the same productive, and, if so, what crop or crops would such irrigation produce?

Ans. —.

Ques. 11. Has the whole tract been irrigated and cultivated by you in any one season?

Ans. —.

Ques. 12. Has each smallest legal subdivision or portion of less than forty acres been irrigated or cultivated either during one season or different seasons since the date of your entry?

Ans. —.

Ques. 13. How much water per acre has been conducted upon the land, or upon any portion under cultivation, in any one season; for how long a time was it so conducted upon the land, and at what times or seasons? State fully:

Ans. —.

Ques. 14. In what manner was such water conveyed upon the land, whether by pipes or ditches, and how was it distributed over and through the soil? State particularly and in detail, and describe the ditches as to their width, depth, direction through or around the land, and give the length of each.

Ans. _____.

Ques. 15. Have you at this time the right and proprietorship of water sufficient and available to continue the irrigation of this tract and make perpetual reclamation of the land, and is it your purpose so to continue its use upon this land, and for the purposes of such reclamation?

Ans. _____.

Ques. 16. How was such right or proprietorship obtained, and by what tenure do you now hold the same? (Duly verified abstract of title must be furnished.)

Ans. _____.

Ques. 17. Have you the sole and entire interest in said entry, and in the tract covered thereby, and the water appropriated to irrigate the same?

Ans. _____.

Ques. 18. Has any other person, individual, or company of individuals any interest whatever in said entry, tract, or water appropriation? If so, give the name, residence, and occupation of each such person, and the nature, amount, and extent of such interest.

Ans. _____.

Ques. 19. Have you made or become the assignee of any other entry, or have you any interest, direct or indirect, in any other entry under the desert-land act?

Ans. _____.

I hereby certify that each question and answer in the foregoing deposition was read to the applicant before _____ signed _____ name thereto, and that the same was subscribed and sworn to before me this _____ day of _____, 18—.

_____, *Register.*
_____, *Receiver.*

NOTE.—The officer before whom the deposition is taken should call the attention of the witness to section 5392 of the Revised Statutes (hereinbefore printed on page 60), and state to him that it is the purpose of the Government, if it be ascertained that he testifies falsely, to prosecute him to the full extent of the law.

[No. 4-373.]

[The deposition of two witnesses, in this form, taken separately, required in each case.]

DESERT-LAND FINAL PROOF—DEPOSITION OF WITNESS.

Ques. 1. State your name, age, residence, and occupation.

Ans. _____.

Ques. 2. Are you acquainted with _____, who made desert-land entry No. _____, on the _____ day of _____, A. D. 18—, upon the _____?

Ans. _____.

Ques. 3. How long have you known the party who made this entry?

Ans. _____.

Ques. 4. Have you personal knowledge of this land?

Ans. _____.

Ques. 5. Has water been conducted upon the land embraced in said entry so as to irrigate and reclaim the same from its former desert condition to such extent that the same will produce an agricultural crop?

Ans. _____.

Ques. 6. What crops have been raised upon said land in each and every year since its first entry by _____, under declaration No. _____, and by whom?

Ans. _____.

Ques. 7. How many acres have been sown or planted in each year, in what crops, and upon what portion or subdivision of the land, and what amount of crops have been produced thereon, and by whom?

Ans. _____.

Ques. 8. What crops, if any, had been grown upon the land, or upon any portion thereof, previous to the entry of _____ thereon.

Ans. _____.

Ques. 9. Would the land, or any portion of it, by cultivation without irrigation, have produced any agricultural crop whatever, and, if so, what crop?

Ans. _____.

Ques. 10. Was there any natural water supply upon such land sufficient to fertilize or irrigate the whole, or any portion thereof, and, if so, what portion? State fully.

Ans. _____.

Ques. 11. Has the amount of water conveyed upon said land by ——— in any one season been sufficient to so irrigate the entire tract as to render the same productive, and, if so, what crop or crops would such irrigation produce?

Ans. ———.

Ques. 12. Has the whole tract been irrigated and cultivated by ——— in any one season?

Ans. ———.

Ques. 13. Has each smallest legal subdivision or portion of less than forty acres been irrigated or cultivated either during one season or different seasons since the date of entry?

Ans. ———.

Ques. 14. How much water per acre has been conducted upon the land, or upon any portion under cultivation in any one season; for how long a time was it so conducted upon the land, and at what times or seasons? State fully.

Ans. ———.

Ques. 15. In what manner was such water conveyed upon the land, whether by pipes or ditches, and how was it distributed over and through the soil? State particularly and in detail, and describe the ditches as to their width, depth, direction through or around the tract, and give the length of each.

Ans. ———.

Ques. 16. Has ——— at this time the right and proprietorship of water sufficient and available to continue the irrigation of this tract and make perpetual reclamation of the land?

Ans. ———.

Ques. 17. How did you become acquainted with the facts relative to the irrigation of said land?

Ans. ———.

Ques. 18. Have you any interest, direct or indirect, in this entry, in the land covered thereby, or in the water supply used in its irrigation?

Ans. ———.

I hereby certify that witness is a person of respectability; that each question and answer in the foregoing testimony was read to — before — signed — name thereto, and that the same was subscribed and sworn to before me this — day of —, 18—,

——, *Register.*

——, *Receiver.*

NOTE.—The officer before whom the deposition is taken should call the attention of the witness to section 5392 of the Revised Statutes, (hereinbefore printed, see page 60), and state to him that it is the purpose of the Government, if it be ascertained that he testifies falsely, to prosecute him to the full extent of the law.

UNITED STATES LAND OFFICES.

ALABAMA.	DAKOTA T.—Cont'd.	MICHIGAN.	NEBRASKA—Cont'd.
Huntsville.	Watertown.	Detroit.	Valentine.
Montgomery.	Fargo.	East Saginaw.	McCook.
ARKANSAS.	Yankton.	Reed City.	NEVADA.
Little Rock.	Bismarck.	Marquette.	Carson City.
Camden.	Deadwood.	MINNESOTA.	Eureka.
Harrison.	Grand Forks.	Taylor's Falls.	NEW MEXICO TER.
Dardanelle.	Aberdeen.	Saint Cloud.	Santa Fé.
ARIZONA TER.	Huron.	Du Luth.	Las Cruces.
Prescott.	Devils Lake.	Fergus Falls.	OREGON.
Florence.	FLORIDA.	Worthington.	Oregon City.
CALIFORNIA.	Gainesville.	Tracy.	Roseburg.
San Francisco.	IDAHO TER.	Benson.	Le Grand.
Marysville.	Boisé City.	Crookston.	Lakeview.
Humboldt.	Lewiston.	Redwood Falls.	The Dalles.
Stockton.	Oxford.	MISSISSIPPI.	UTAH TER.
Visalia.	Hailey.	Jackson.	Salt Lake City.
Sacramento.	IOWA.	MISSOURI.	WASHINGTON TER.
Los Angeles.	Des Moines.	Boonville.	Olympia.
Shasta.	KANSAS.	Ironton.	Vancouver.
Susanville.	Topeka.	Springfield.	Walla Walla.
Bodie.	Salina.	MONTANA TER.	Colfax.
COLORADO.	Independence.	Miles City.	Yakima.
Denver City.	Wichita.	Helena.	WISCONSIN.
Leadville.	Kirwin.	Bozeman.	Menasha.
Central City.	Concordia.	NEBRASKA.	Falls of St. Croix.
Pueblo.	Larned.	Beatrice.	Wausau.
Del Norte.	Wa-Keeny.	Lincoln.	La Crosse.
Lake City.	Oberlin.	Niobrara.	Bayfield.
Durango.	Garden City.	Grand Island.	Eau Claire.
Gunnison.	LOUISIANA.	North Platte.	WYOMING TER.
DAKOTA TER.	New Orleans.	Bloomington.	Cheyenne.
Mitchell.	Natchitoches.	Neligh.	Evanston.

NOTE.—By act of July 31, 1876, the land offices in Ohio, Indiana, and Illinois were abolished; and by act of March 3, 1877, the vacant tracts of public land in Ohio, Indiana, and Illinois are made subject to entry and location at the General Land Office, Washington, D. C. (See Regulations, on page 27.)

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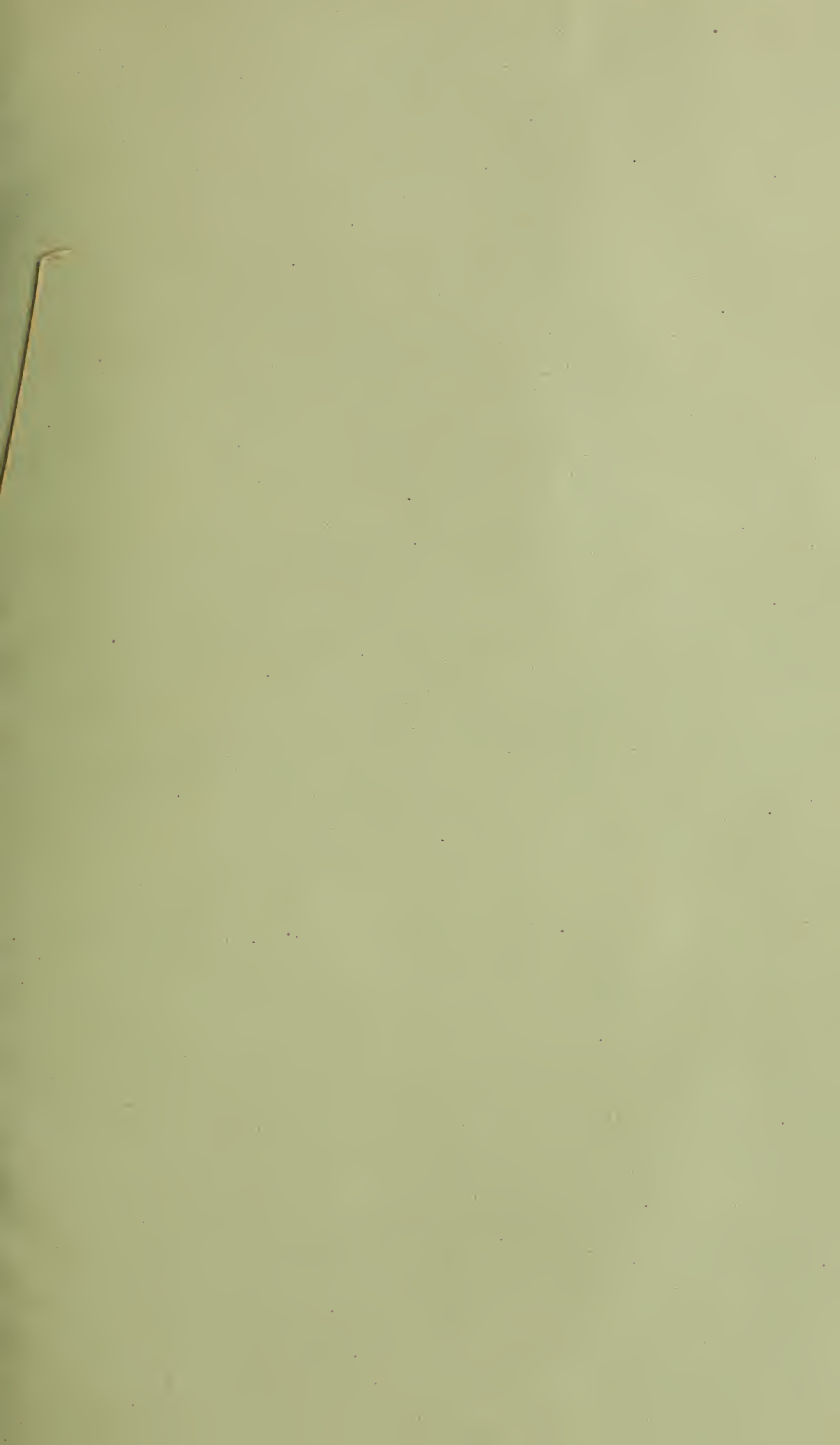
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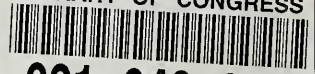
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